

ORDINANCE 2007 -013

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067 AND 03-068, AS AMENDED, AS FOLLOWS: **ARTICLE 1** - GENERAL PROVISIONS; CHAPTER E - PRIOR APPROVALS; CHAPTER F - NONCONFORMITIES; CHAPTER I - DEFINITIONS AND ACRONYMS; **ARTICLE 2** - DEVELOPMENT REVIEW PROCESS; CHAPTER A - GENERAL; CHAPTER B - PUBLIC HEARING PROCEDURES; CHAPTER D - ADMINISTRATIVE PROCESS; CHAPTER E - MONITORING; **ARTICLE 3** - OVERLAYS & ZONING DISTRICTS; CHAPTER B - OVERLAYS; CHAPTER C - STANDARD DISTRICTS; CHAPTER D - PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER E - PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F - TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4** - USE REGULATIONS; CHAPTER A - USE CLASSIFICATION; CHAPTER B - SUPPLEMENTARY USE STANDARDS; **ARTICLE 5** - SUPPLEMENTARY STANDARDS; CHAPTER A - GENERAL; CHAPTER B - ACCESSORY AND TEMPORARY USES; CHAPTER C - DESIGN STANDARDS; CHAPTER G - DENSITY BONUS PROGRAM; **ARTICLE 6** - PARKING; CHAPTER A - PARKING; CHAPTER C - DRIVEWAYS AND ACCESS; **ARTICLE 7** - LANDSCAPING; CHAPTER A - GENERAL; CHAPTER C - MGTS TIER COMPLIANCE; CHAPTER E - INSTALLATION, MAINTENANCE, PRUNING, AND IRRIGATION; CHAPTER F - PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8** - SIGNAGE; CHAPTER C - PROHIBITIONS; CHAPTER D - TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; CHAPTER G - STANDARDS FOR SPECIFIC SIGN TYPES; **ARTICLE 11** - SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS; CHAPTER A - GENERAL REQUIREMENTS; CHAPTER B - SUBDIVISION REQUIREMENTS; CHAPTER E - REQUIRED IMPROVEMENTS; **ARTICLE 12** - TRAFFIC PERFORMANCE STANDARDS; CHAPTER A - GENERAL; CHAPTER B - STANDARD; CHAPTER C - TRAFFIC IMPACT STUDIES; CHAPTER D - PROCEDURE; **ARTICLE 14** - ENVIRONMENTAL STANDARDS; CHAPTER B - WELLFIELD PROTECTION; CHAPTER C - VEGETATION PRESERVATION AND PROTECTION; **ARTICLE 15** - HEALTH REGULATIONS; CHAPTER A - (ENVIRONMENTAL CONTROL RULE I) - ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS); **ARTICLE 17** - DECISION MAKING BODIES; CHAPTER A - BOARD OF COUNTY COMMISSIONERS; CHAPTER C - APPOINTED BODIES; CHAPTER D - STAFF OFFICIALS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC desires to further amend the ULDC, based upon public participation and advice from the Palm Beach County Land Development Regulation Advisory Board; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

1 **WHEREAS**, the BCC has conducted public hearings to consider these amendments to the
2 ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida
3 Statutes.

4

5 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
6 **PALM BEACH COUNTY, FLORIDA, as follows:**

7

8 **Section 1. Adoption**

9 The amendments set forth in Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, and N attached
10 hereto and made a part hereof, are hereby adopted.

11 **Section 2. Interpretation of Captions**

12 All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance
13 are intended for the convenience of usage only and have no effect on interpretation.

14 **Section 3. Providing for Repeal of Laws in Conflict**

15 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
16 repealed to the extent of such conflict.

17 **Section 4. Severability**

18 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item
19 contained in this Ordinance is for any reason held by the Court to be unconstitutional,
20 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
21 Ordinance.

22 **Section 5. Providing for a Savings Clause**

23 All development orders, permits, enforcement orders, ongoing enforcement actions, and all
24 other actions of the Board of County Commissioners, the Zoning Commission, the Development
25 Review Officer, Enforcement Boards, all other County decision-making and advisory boards,
26 Special Masters, Hearing Officers, and all other County officials, issued pursuant to the
27 regulations and procedures established prior to the effective date of this Ordinance shall remain
28 in full force and effect.

29 **Section 6. Inclusion in the Unified Land Development Code**

30 The provisions of this Ordinance shall be codified in the Unified Land Development Code
31 and may be reorganized, renumbered or relettered to effectuate the codification of this
32 Ordinance.

33 **Section 7. Providing for an Effective Date**

34 The provisions of this Ordinance shall become effective upon filing with the Department of
35 State.

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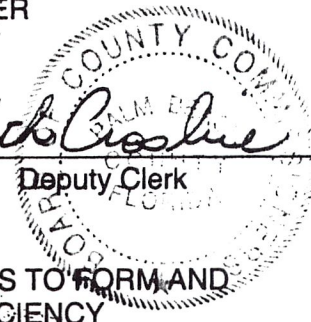
APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach

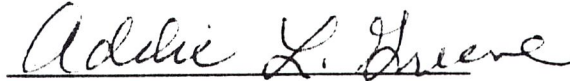
County, Florida, on this the 27th day of August, 2007.

SHARON R. BOCK, CLERK &
COMPTROLLER

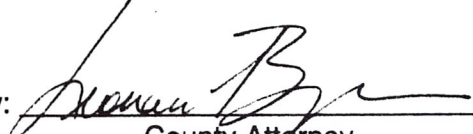
PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: 
Deputy Clerk



By: 
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 4th day of

September, 2007.

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

Part 1. ULDC, Art. 1.E.1.C.2, Structural Renovations and Additions [Related to Previous Approvals] (page 15 of 104), is hereby amended as follows:

CHAPTER E PRIOR APPROVALS

Section 1 General

C. Previous Approvals

2. Structural Renovations and Additions

Interior or exterior renovations or additions to existing buildings and structures that are in excess of 35 percent of the current Property Appraiser's value of the structure shall comply with Art. 5.E.4.E, Outdoor Lighting, Art. 6, Parking, Art. 7, Landscaping, and Art. 8.G.1, Building Mounted Signs, to the greatest extent possible. Renovations or additions in excess of 75 percent or more of the current assessed value of the structure shall comply with Art. 5.C, Design Standards, and Art. 5.B.1.A.18, Permanent Generators. Renovations shall be cumulative over the most recent five-year period. **[Ord.2005-041]**

Part 2. ULDC, Art. 1.F.3, Non Conforming Structure (page 18 of 104), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 3 Nonconforming Structure

A nonconforming structure may continue to exist in accordance with this Section. Public utility facilities with nonconforming structures on existing utility sites shall be exempt from the maintenance, renovation and repair limitations in this section. The maximum percent allowed within a 12 consecutive month period may include one or a combination of maintenance, renovation, or damage restoration to a nonconforming structure but shall not mean one of each term.

The value of a nonconforming structure shall be determined by taking 125 percent of the most recent assessed value of the structure, as determined by the PBC Property Appraiser. This Section shall apply to the cumulative changes in total value as a nonconforming structure is renovated and repaired over the previous seven years. In determining the value of an improvement necessary to reconstruct a damaged structure, the "aggregate cost approach" as outlined in the most current building valuation data in "Southern Building" published by the Southern Building Code Congress International or other comparable guidelines adopted in law or accepted in practice by the Building Director, shall be used as the sole basis for calculation.

Part 3. ULDC, Art. 1.I.2.A.23.J, Commercial Gain [Related to Adult Entertainment Definitions] (page 28 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced in this Article shall have the following meanings:

23. **Adult Entertainment Definitions** – for the purposes of Art. 4.B.I.A.2.

....

j. **Commercial Gain** - operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license business tax receipt. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss.

....

Part 4. ULDC, Art. 1.I.2, Definitions (pages 37, and 41 of 104), are hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

B. Terms defined herein or referenced Article shall have the following meanings:

53. **Building** -

Notes:

Underlined language indicates proposed new language.

~~Language crossed-out~~ indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

- a. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. For purposes of this Code, tanks (including but not limited to water, gas and other types of storage tanks) and water towers will not be considered buildings.

M. Terms defined herein or referenced Article shall have the following meanings:

32. Membrane BioReactor Systems – Facilities that treat raw sewage to tertiary levels for reuse water (irrigation quality water) or for discharge (ground or surface water recharge). These systems are enclosed within buildings and utilize hollow fiber or flat plate membranes and combine clarification, aeration and filtration to produce consistent, high quality effluent suitable for any discharge or reuse application. On-site storage tanks, distribution pumps and electrical equipment may also be associated with these facilities.

R. Terms defined herein or referenced Article shall have the following meanings:

8. Reclamation, Water – Water treated to tertiary standards considered suitable for storage, distribution and application as irrigation water under FDEP guidelines.

W. Terms defined herein or referenced Article shall have the following meanings:

7. Water Reclamation Production Facility – These facilities can either treat raw wastewater to irrigation quality water or treat secondary effluent to tertiary standards for use as irrigation water. These facilities can be accessory to a Wastewater Treatment Plant or can be stand-alone facilities. They are comprised of pump and filtration systems, storage tanks, electrical sheds and other facilities as necessary to process, store and distribute irrigation quality water to an identified and reasonably proximate service area.

78. Water or Treatment Plant - for the purposes of Art. 4, a facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

- a. Water Treatment Plant, Open Process – These are also known as "conventional" water treatment plants and use a series of unenclosed tanks without roof structures to treat raw water to drinking water standards.

- b. Water Treatment Plant, Closed Treatment – These plants treat raw water to drinking water standards within the confines of one or more relatively small, fully enclosed buildings.

Part 5. ULDC, Art. 1.1.2.L, [Related to Definitions and Acronyms], (page 59 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

L. Terms defined herein or referenced in this Article shall have the following meanings:

22. Large Scale Development – any large single tenant retail use, with or without accessory tenants, in a single building, occupying 65,000 gross square feet or more.

[Renumber accordingly.]

Part 6. ULDC, Art. 1.1.2.S, [Related to Definitions and Acronyms], (page 85 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

S. Terms defined herein or referenced in this Article shall have the following meanings:

52. Single Room Occupancy – A residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single individual. The unit need not, but may, contain food preparation or sanitary facilities, or both.

[Renumber accordingly.]

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**ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS**

(Updated 07/27/07)

Part 7. ULDC, Art. 1.1.2.V, [Related to Definitions and Acronyms], (page 97 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

V. Terms defined herein or referenced in this Article shall have the following meanings:

....

14. Vessel – Synonymous with boat as referenced in s.1.(b), Art. VII of the Florida Constitution and includes every description of watercraft, barge and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. The term "floating structure" is expressly excluded from the definition of a vessel.

[Renumber accordingly.]

....

Part 8. ULDC, Art. 1.1.3, Abbreviations and Acronyms [Related to Expedited DRO Application] (page 101 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

....

EDA Expedited DRO Applications

....

SRO Single Room Occupancy

....

TDD Traditional Development District

....

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Notes:

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS SUMMARY OF AMENDMENTS (Updated 07/27/07)

Part 1. ULDC, Art. 2.A [Related to Development Review Procedures] (page 7 of 50), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Authority

1.b.5) The ZC is also granted the authority to consider, take action, and make decisions on applications for Type II variances. The ZC is not authorized to grant variances from the following Articles of the ULDC: **[Ord. 2006-036]**

- a) Art. 1, General Provisions;
- b) Art. 2, Development Review Procedures;
- c) Art. 3.B.3, COZ, Conditional Overlay Zone;
- d) Art. 4, Use Regulations (excluding provisions in Art. 4.D.5.C, Type IA Excavation, and Art. 4.D.5.D, Type IB Excavation and Art. 4.B.1.A.134 and 139, Minor Utilities and Water or Wastewater Treatment Plant).

Part 2. ULDC, Art. 2.B.1.B, Standards, [Related to Conditional Uses, Requested Uses and Development Order Amendments] (page 16 of 50), is hereby amended as follows:

CHAPTER A GENERAL

Section 2 Conditional Uses, Requested Uses and Development Order Amendments

B. Standards

....

9. Mobile Home Parks

Any rezoning of property having an existing mobile home park shall comply with the requirements of F.S. Chapter 723.083, Governmental Action Affecting Removal of Mobile Home Owners.

Part 3. ULDC, Art. 2.D.2.A, Purpose [Related to Special Permit] (page 28 of 50), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 2 Special Permit

A. Purpose

To create standards and an approval process for certain uses, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. These uses shall require approval of a special permit by the Zoning Division prior to issuance of a CO, ~~occupational license~~ business tax receipt, building permit, or commencement of activity.

Part 4. ULDC, Art. 2.D.2.C.1, Contents of Application [Related to Procedure] (page 28 of 50), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 2 Special Permit

C. Procedure

1. Contents of Application

The application shall be submitted in a form established by the Zoning Director and made available to the public. An ~~occupational license~~ business tax receipt must be obtained and all permits must be posted on the site prior to commencement of operation. If a survey is required, the survey shall indicate:

Part 5. ULDC, Art. 2.E.1.B.2.a, [Related to Applicability and Monitoring] (page 32 of 50), is hereby amended as follows:

Notes:

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**ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)**

CHAPTER E MONITORING

Section 1 General

B. Applicability

2. The following are exempt from this Article:

- a. Any development order for rezoning to the ~~Public Ownership District (PO)~~ or publicly owned land in the ~~Conservation District (CON)~~ which does not have an approved conditional use, in whole or in part, that applies to lands that are owned by a unit of local, state, and/or federal government, provided that the development order is utilized for buildings or facilities that are owned by a government entity and support customary government operations and/or delivery of public services;

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Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 07/26/07)

Part 1. ULDC, Table 3.C.1.A-15, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, (page 48 of 146), is hereby amended as follows:

Table 3.C.1.A-15 Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts

FLU Designation		Zoning District ¹				
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR ²	AGR ³				
Residential						
RR-20	AR					
RR-10	AR	CRE ⁴				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR	RE	RT	AP ⁵		
LR-2	AR	RE	RT			
LR-3	AR	RE	RT			
MR-5	AR	RE	RT	RS	RM ⁶	
HR-8	AR	RE	RT	RS	RM	
HR-12	AR	RE	RT	RS	RM	
HR-18	AR	RE	RT	RS	RM	
Commercial						
CL-O	CLO					
CL	CN	CC	CLO			
CH-O	CLO	CHO				
CH	CN	CC	CLO	CHO	CG	
CR	CRE					
Industrial						
IND	IL	IG	CRE ⁷			
EDC	IL	IG				
Institutional/Civic						
INST	AR	RE	RT	RS	RM	IPF
PARK	IPF	PO				
U/T	PO					
[Ord. 2006-004]						
Notes:						
Any application for a conditional use and/or subdivision of property shall require the subject site be rezoned to a highlighted district.						

- ¹ The PO District is consistent with all FLU designations.
- ² The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.
- ³ The AGR District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2005-002]
- ⁴ The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan
- ⁵ The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of record located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. [Ord. 2005 – 002]
- ⁶ The RM District is consistent with the MR-5 designation only for those areas already zoned RM.
- ⁷ Curtain use in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.

Part 2. ULDC, Art. 3.C.1.C.1, Agricultural Production District [Related to Agricultural Districts] (page 48 of 146), is hereby amended as follows:

CHAPTER C STANDARD DISTRICTS

Section 1 Districts

C. Agricultural Districts

1. AP, Agricultural Production District

The AP district is to conserve and protect areas for exclusive, bona fide agricultural and farming related operations particularly where soil and water conditions favor continued agricultural production. A wide range of agricultural activities and their accessory uses shall be permitted in the AP district in order to maintain the vitality of the agricultural industry in PBC.

a. Exempted Residential Uses

Legal lots of record with a LR-1 FLU designation located in an area north of the unincorporated community of Canal Point shall be considered conforming for the purpose of renovating or developing a single-family home, including related accessory uses and structures.

Notes:

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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 07/26/07)

Part 3. ULDC, Table 3.E.1.B-21, PDD Use Matrix (page 69 of 146), is hereby amended as follows:

Table 3.E.1.B-21 - PDD Use Matrix

Use Type	PUD					MUPD							MXPD				PIPD					
	Pods					Land Use Designations							Land Use Designations				Use Zone					
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C R	I N	I N	C L	C H	C L	C H	I N	C O	I N	M H	R V	N O T E
Commercial Uses																						
....																						
Restaurant, Type II		D R				R	D	R	R	R			R	D	R	R		R				110 111
....																						
[Ord. 2005-002] [Ord. 2006-004]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

Part 4. ULDC, Art. 3.E.1.I.4, Architectural Guidelines (page 82 of 146), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

I. Unified Control

4. Architectural Guidelines

All buildings and signage shall maintain architectural consistency between all building, signage and project identification. Consistency shall include, a minimum, on overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. Infrastructure, such as minor utilities, water and wastewater treatment plants which are approved for construction in a PDD prior to the approval of other buildings will not be used to set the architectural standards for a PDD.

Part 5. ULDC, Art. 3.E.3.C, Thresholds [Related to Multiple Use Planned Development (MUPD)] (page 97 of 146), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 3 Multiple Use Planned Development (MUPD)

C. Thresholds

Projects that meet or exceed the square footage threshold indicated in Table 3.E.3.C-30, MUPD Thresholds or the requirements of Table 3.E.3.D-31, MUPD Property Development Regulations, in addition to all other minimum MUPD requirements, shall may be submitted and reviewed as a MUPD. [Ord. 2006-004]

Part 6. ULDC, Art. 3.E.4.C.1, Thresholds [Related to Mixed Use Planned Development (MXPD)] (page 99 of 146), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 4 Mixed Use Planned Development (MXPD)

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 07/26/07)

C. Thresholds

1. Thresholds

Projects that meet or exceed the square footage thresholds indicated in Table 3.E.4.C-34, MXPDP Thresholds or the requirements of Table 3.E.3.D-36, MXPDP Property Development Regulations, in addition to all other minimum MXPDP requirements, shall may be submitted and reviewed as an MXPDP. [Ord. 2006-004]

Part 7. ULDC, Table 3.E.6.D-40, MHPDP Property Development Regulations (page 106 of 146), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 6 Mobile Home Planned Development District (MHPD)

D. Property Development Regulations (PDRs)

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.6.D-40, MHPDP Property Development Regulations, unless otherwise stated

Table 3.E.6.D-40 - MHPDP Property Development Regulations

Pods	Minimum Lot, Lease Lot or Condo Unit Dimensions				FAR	Maximum Building Coverage	Minimum Building Setbacks or Separations			
	Size	Width and Frontage	Depth	Corner			Front	Side Street	Side*	Rear*
Mobile Home	4,200	40'	70'	55'		50%	20'	20'	5'	10'
Recreational	--	65'	75'	--	.35	30 40%	25'	25'	20' C 40' R	20' C 40' R
Private Civic	0.5 ac	100'	100'	35'	.35	±30 %	25'	25'	20' C 40' R	20' C 40' R
Public Civic	1 ac		200'							
Commercial	1 ac	100'	200'	25'	.25	±20 %	25'	25'	20' C 40' R	20' C 40' R
[Ord. 2005-002]										
Notes:										
C-	Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod. [Ord. 2005-002]									
R-	Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.									
*	Indicates that the regulation is flexible and may be modified by complying with Art. 6.8.A.4, Regulating plan. Land uses that abut a lake, canal, or preserve area which is greater than or equal to 40 feet in width along the boundary of the land use, may substitute a 20 feet side interior or rear setback if a 40 feet setback is required. Setbacks shall be measured from the inside edge of perimeter landscape areas and internal road R-O-Ws for recreation, civic and commercial uses. Setbacks shall be measured from individual lot lines, rental lines and from condominium lines. [Ord. 2005-002]									

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**ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)**

Part 1. ULDC, Art. 4.B.1.A.2.b.10, Commercial Gain [Related to Adult Entertainment] (page 21 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

2. Adult Entertainment

b. Definitions, Adult Entertainment Establishment

The following definitions apply for the purposes of the Adult Entertainment Establishment provisions of this Code. [Ord. 2004-051]

10) Commercial Gain

Operated for pecuniary gain, which shall be presumed for any establishment which has received an ~~occupational license~~ business tax receipt. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss. [Ord. 2004-051]

Part 2. ULDC, Art. 4.B.1.A.2.k.1 Establishment of Nonconformity [Related to Adult Entertainment] (page 24 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 USES

A. Definitions and Supplementary Standards for Specific Uses

2. Adult Entertainment

k. Nonconformity

1) Establishment of Nonconformity

Any adult entertainment use shall be deemed a nonconforming use and the standards of this Section shall not apply if the adult entertainment use on November 28, 1988: [Ord. 2004-051]

b) ~~Occupational License~~ Business Tax Receipt

Possessed a valid and current ~~occupational license~~ business tax receipt authorizing the general type of use, which would correspond to the adult entertainment use being claimed as nonconforming on November 28, 1988; and [Ord. 2004-051]

Part 3. ULDC, Art. 4.B.1.A.14.a.20)h), [Related to Redevelopment and Revitalization Overlay and Assembly, Nonprofit Institutional] (page 32 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

14. Assembly, Nonprofit Institutional

a. Frontage and Access

2) Redevelopment and Revitalization Overlay

The use may be located on a local residential street, subject to the following criteria: [Ord. 2006-013]

h) Prior to the issuance of an ~~occupational license~~ business tax receipt, the building shall comply with all applicable Health and Building Code requirements; and [Ord. 2006-013]

Part 4. ULDC, Art. 4.B.1.A.20.d, Health Department and Building Code [Related to Bed and Breakfast] (page 35 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

Notes:

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT D

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS (Updated 07/27/07)

A. Definitions and Supplementary Standards for Specific Uses

20. Bed and Breakfast

d. Health Department and Building Code

Prior to the issuance of an ~~occupational license~~ business tax receipt, the dwelling shall be modified to comply with all applicable Health Department and Building Code requirements.

Part 5. ULDC, Art. 4.B.1.A.55, Financial Institution (page 48 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

55. Financial Institution

An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities.

a. Development Thresholds and Approval Process

A financial institution shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A-5, Development Thresholds and Approval Process.

Table 4.B.1.A-5 –Development Threshold and Approval Process

Zoning District	Development Thresholds			Approval Process
	GFA		Drive-thru ⁽¹⁾	
CN and CLO	5,000 s.f. max	and	Not permitted	DRO
CC, CHO, and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and TDDs	5,000 s.f. max	and	No drive thru lanes	Permitted by Right
CC; and, CL and CLO PDDs	5,000 s.f. max	and	< 3 drive thru lanes	DRO
CG; CH and CHO PDDs; COM Pod of PIPD; and, TDDs	5,000 s.f. max	and	< 3 drive thru lanes	Permitted by Right
CC, CHO and CG; CH and CHO PDDs; and TDDs	> 5,000 s.f.	or	> 3 drive thru lanes	Class A or Requested Use

Notes:

1. An ATM lane shall not be considered a drive through lane for purposes of development thresholds.

[Renumber all sequential Tables accordingly]

a. ~~CN and CLO Districts~~

~~A financial institution use shall not consist of more than 5,000 square feet of GFA or have a drive-thru facility.~~

b. ~~CC, CG, CHO Districts and PDDs~~

~~A financial institution of up to 5,000 square feet of GFA without a drive-thru facility shall be a permitted use.~~

c. ~~Floor Area~~

~~A financial institution shall not consist of more than 5,000 square feet of GFA or have more than three drive thru facilities, unless approved as a Class A conditional use or requested use.~~

d. ~~TMD District~~

~~Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a Main Street.~~

Part 6. ULDC, Art. 4.B.1.A.70.e, Occupational License [Related to Home Occupation] (page 53 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

70. Home Occupation

e. ~~Occupation License~~ Business Tax Receipt

Notes:

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ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

Shall be operated pursuant to a valid ~~occupational license~~ business tax receipt for the use conducted by the resident of the dwelling. More than one home occupation may be permitted on a residential lot

Part 7. ULDC, Art. 4.B.1.A.70.h.7, Resident [Related to Instructional Services] (page 53 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

70. Home Occupation

h. Instructional Services

7) Resident

The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor shall be permitted to provide instruction. The ~~occupational license~~ business tax receipt shall be issued to the instructor.

Part 8. ULDC, Art. 4.B.1.A.70.k, Violations or Hazard [Related to Home Occupation] (page 52 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

70. Home Occupation

k. Violations or Hazard

If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the ~~occupational license~~ business tax receipt may be revoked.

Part 9. ULDC, Art. 4.B.1.A.77, Landscape Service (page 57 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTAL USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

77. Landscape Service

An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.

a. AR District in RSA

A landscape service as a principal use shall be located on a collector or arterial street. ~~The on a~~ minimum lot size shall be of three acres.

b. AGR District

Shall be permitted subject to DRO approval as an accessory use only in conjunction with a retail or wholesale nursery, excluding those that meet the limitations of a home occupation.

c. Landscape Buffer

An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agriculture use.

d. Storage

Outdoor storage of debris shall be prohibited.

e. Accessory Use

May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.

Notes:

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

f. Home Occupation

A landscape service, not including landscape installation services, may be approved as a home occupation subject to the requirements of Article 4.B.1.A.70, Home Occupation and this section, subject to the following exemptions or requirements:

1) Buffers

The use shall be exempt from incompatibility buffer requirements.

2) AR District in RSA

A landscape service may be permitted subject to the limitations of Art. 4.B.1.A.70, Home Occupation, except that parcels three acres or more in size may also be eligible for the following:

a) A maximum of three persons living outside of the home may be employed under the home occupation.

b) The use shall also be exempt from the outside storage limitations of Art. 4.B.1.A.70.i, Outside Storage, provided that outside storage is limited to equipment such as lawnmowers, edgers, weed eaters, and small trailers. Storage shall not include heavy equipment associated with landscape installation services, such as bobcats, loaders, dump trucks, or heavy equipment trailers; and

c) Storage areas shall be screened from view from any R-O-W or residential parcel through the use of existing or newly planted native vegetation provided the material provides an opaque screen within one year of the issuance of the occupational license. No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures.

Part 10. **ULDC, Art. 4.B.1.A.101.b.4, Existing Stands [Related to Temporary Stands] (page 67 of 149), is hereby amended as follows:**

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

101.Produce Stand

b. Temporary Stands

4) Special Regulations

e) Existing Stands

All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid ~~occupational license~~ business tax receipt since issuance of the valid permit, shall be considered conforming uses. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of PBC, Florida, and as provided herein:

Part 11. **ULDC, Art. 4.B.1.A.109.c.1), Approval Process Exceptions [Related to DRO Approval] (page 74 of 149), is hereby amended as follows:**

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

109.Restaurant, Type I

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. Traffic generation rates are normally in the range of 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering. **[Ord. 2006-004]**

....

c. Approval Process Exceptions

1) DRO Approval

Notes:

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ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 07/27/07)

a) A Type I restaurant without a drive-through may be approved by the DRO in a district where the use is permitted by Table 3.E.1.B-21, PDD Use Matrix, Table 3.F.1.F-32, Traditional Development Permitted Use Schedule, or Table 4.A.3.A-1, Use Matrix, ~~provided GFA including outdoor dining areas does not exceed 5,000 square feet; and the use is not located in an out parcel or freestanding building.~~ or in an MUPD with a CL FLU designation, subject to the following:

- a) GFA including outdoor dining areas does not exceed 5,000 square feet; and
- b) The use is not located in an out parcel or freestanding building.

Part 12. ULDC, Art. 4.B.1.A.111.b.1), DRO Approval [Related to Type II Restaurant] (page 75 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

111. Restaurant, Type II

b. Use Limitations and Approval Process

1) DRO Approval

a) ~~CLO and CHO Districts~~; PDDs with a CLO or CHO FLU; and, TNDs NC

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036]

b) ~~CHO District~~; and PDDs with a CHO FLU

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036]

c) ~~CRE District~~; and PDDs with a CL, or CR FLU; and PUD Commercial Pods and PIPD Commercial Use Zone of a PDD

A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036]

Part 13. ULDC, Art. 4.B.1.A.134, Utility, Minor [Related to Uses] (page 87 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

134. Utility, Minor

Mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities; membrane bioreactor plants, sewage lift stations, telephone exchange buildings, and communication substations. [Ord. 2006-004]

a. Floor Area

1) Residential Districts [Ord. 2004-040]

A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities).

2) Non-residential Districts

A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities. [Ord. 2004-040]

3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use or a Requested Use. [Ord. 2004-040]

b. Buffer

A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Increased setbacks, screening, and buffering around the utility may be required to ensure compatibility. [Ord. 2004-040]

c. Lift Station

Notes:

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS (Updated 07/27/07)

1) New Subdivisions

Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.

2) Streets

Facilities located within streets or utility easements shall not be subject to DRO approval.

d. Electric Distribution Substations

For the purposes of this section, shall be defined in accordance with F.S. 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one of more distribution lines less than 69 kilowatts in size. An electrical distribution substation shall comply with the following:

1) Exemptions

Electrical substations are exempt from the floor area limitations.

2) Landscape Buffering in Residential Areas

Where located in and adjacent to parcels with residential uses or a FLU designation landscape buffering shall be upgraded as follows:

a) An eight-foot wall or fence shall be installed around the substation where equipment or structures are setback less than 50 feet. Landscaping materials shall be native.

b) An open green space shall be maintained between required perimeter buffers and security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet. Required green spaces shall be planted with double the amount of interior trees and shrubs required by Table 7.C.3.1, Minimum Tier Requirements, in addition to normal interior landscaping requirements

3) Landscape Buffering – General

Required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed 14 feet of height.

de. States of Emergency

The PZ&B Executive Director may request a waiver from the review timeframes for each case of a declared emergency that directly affects the permitting activities of the local Government.

Part 14. ULDC, Art. 4.B.1.A.139, Water or Treatment Plant (page 92 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

139. Water or Treatment Plant

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

a. Location

b. Odor

c. Compatibility

For purpose of this Section, the AR district is not considered a residential district. Required setbacks, screening and buffering are as follows:

Notes:

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ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

1

Table 4.B.1.A-12 - Wastewater Treatment Facility Setbacks

Type/Capacity	Type of Facility	Setback from Residential and Commercial District	Setback From Non-Residential and Non-Commercial District
Wastewater treatment facilities over one million gallons per day capacity:	Head works, clarifiers, sludge treatment & handling facilities without odor control	750 feet	500 feet
	Head works, clarifiers, sludge treatment & handling facilities with odor control	300 feet ²	200 feet ¹
	Chemical storage facilities	300 feet	200 feet
	Accessory facilities	200 feet	100 feet
Wastewater treatment facilities up to one million gallons per day capacity including package treatment facilities	Treatment units without odor control	150 feet	150 feet
	Treatment units with odor control	100 feet ¹	100 feet ¹
	Chemical storage facilities	100 feet	100 feet
	Accessory facilities	100 feet	100 feet
Water Reclamation Production Facility (any capacity stand alone facility larger than a minor utility which is filtering already treated wastewater (secondary effluent) ^{3,4}	Storage Tanks, Filtration System, Hypochlorite tanks, Office/Lab/Generator buildings, and accessory facilities	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater
Membrane Bio-Reactor (MBR) System ³	Storage tanks, enclosed reinforced hollow fiber or flat plate membranes, clarification, aeration and filtration of wastewater for discharge or reuse applications	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and 20 feet r or the minimum district setback, whichever is greater
Notes: 1. Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within 20 days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any onsite retention. 2. Tertiary filters do not require odor control. 3. <u>If an existing utility site is being redeveloped into a water reclamation production facility or MBR, the setbacks established for the original use will be utilized for the water reclamation facility or MBR unless they are more restrictive than the setbacks noted in this table. If the reclamation or MBR facility qualifies as a minor utility those regulations will apply instead of this table.</u> 4. <u>A Water Reclamation Production Facility treating raw wastewater to tertiary levels must meet the setback requirements for a Wastewater Treatment Plant of similar capacity unless it qualifies as a minor utility, in which case, those regulations will apply.</u>			

2
3
4
5
6
7

Part 15. ULDC, Table 4.B.1.A-13, Wastewater Treatment Facility Setbacks, (page 93 of 149), is hereby amended as follows:

Notes:
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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

Table 4.B.1.A-13 - Water Treatment Facility Setbacks For Open Treatment Process

Type/Capacity	Type of Facility	Setback ¹
Water treatment facilities over two millions gallons per day capacity.	Treatment units and chemical storage	200 feet
	Units which cause airborne sulfides	500 feet ²¹
	Accessory facilities	100 feet
Water treatment facilities up to two million gallons per day capacity, including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which cause airborne sulfides	250 feet ²²
	Accessory units	100 feet
[Ord. 2004-054] Notes: Setbacks may be reduced by fifty percent for facilities using enclosed membrane treatment process without Chlorine gas, along property lines adjacent to parcels with a PO zoning district and INST FLU designation, or AP zoning district and FLU designation. [Ord. 2004 – 054] 2. Odor Control. Unless treatment for removal of sulfides for odor control is included. [Ord. 2004 – 054] 3. Maximum Building Height. Structures Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met: [Ord. 2004 – 054] a. minimum yard setback of this section; and b. an additional foot setback for each one foot of height exceeding 35 feet.		

Part 16. ULDC, Table 4.B.1.A-14, Wastewater Treatment Facility Setbacks, (page 93 of 149), is hereby amended as follows:

Table 4.B.1.A-13(a) - Water Treatment Facility Setbacks For Enclosed Treatment Process without Gas Chlorine

Type/Capacity	Yard	Setback
Water treatment facilities over two million gallons per day capacity.	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	200 feet ¹
Water treatment facilities up to two million gallons per day capacity, including package treatment facilities	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	100 feet
Notes: 1. Chemical storage setbacks may be reduced by fifty percent for facilities using enclosed treatment process without Chlorine gas, along property lines adjacent to parcels with a PO Zoning district and INST FLU, or AP zoning district and FLU designations.		

- 1) **Buffer**
Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet.
- 2) **Trees**
A ~~double~~ single row of trees shall be planted in all landscape buffers at a ratio of one ~~42~~ 14 foot tall tree for each ~~30~~ 25 linear feet.
- 3) **Screening**
Screening consisting of a hedge, berm, or fence ~~or wall~~ which will present a ~~solid~~ visual screen at least six feet in height ~~upon~~ within one year of installation shall be provided around the perimeter of the site.
-
- e. **Effect on Previously Approved Facilities**
Water and wastewater treatment facilities approved prior to the effective date of this Code shall be considered conforming uses. Expansion or redevelopment of existing facilities or an existing utility site to the same or a different utility use or treatment technology may be allowed with setbacks lower than those listed in this Section of the Code provided the expansion or redevelopment is reviewed and approved by the DRO and odor control is provided if applicable.

Notes:
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ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 07/02/2007)

Part 1. ULDC, Art. 5.B.1.A.2.h, Exceptions [Related to Wastewater Treatment Plants] (page 11 of 68), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

2. Fences, Walls and Hedges

h. Exceptions

....

- 4) DRO may approve increased fence heights and modify allowable locations for fences with and without barbed wire for minor utilities, water and wastewater treatment plants.

Part 2. ULDC, Art. 5.B.1.A.18.a, Applicability [Related to Permanent Generators] (pages 23 and 24 of 68), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

18. Permanent Generators

a. Applicability

1) Permitted Use

Use of permanent generators shall be permitted during periods of electrical power outages in utility systems maintained by the utility service provider or when the BCC declares a state of emergency. **[Ord. 2006-004]**

2) Type II and III CLF, Club Houses and Nursing or Convalescent Facility

A permanent emergency generator shall be required for all Type II and III CLFs, Nursing or Convalescent Facilities, and PDD or TDD clubhouses ~~2,500~~ 20,000 square feet, or greater. **[Ord. 2006-004]**

a) Exceptions

- (1) Developments that have a BCC or DRO approved plan that graphically indicates a clubhouse(s) shall be exempt from the generator requirement except for projects that exceed 75 percent or more of the assessed value as stated below.
- (2) Renovations or additions that do not exceed 75 percent or more of the current assessed value may be exempt in accordance with Art. 1.E.1.C.2, Structural Renovations and Additions.
- (3) A PDD or TDD clubhouse located in the Coastal High Hazard Area as defined by the Plan, shall be exempt from this requirement.
- (4) A PDD or TDD that has one or more clubhouses with a generator meeting the requirements of this Section, shall be exempt for any other remaining clubhouses within the development.

....

Part 3. ULDC, Art. 5.C.1.C, Exemptions, [Related to Architectural Guidelines] (page 28 of 68), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

C. Exemptions

....

5. Palm Beach County Water Utility Facilities which are not visible from a public street or residential zoning district or are limited access, high security facilities not open to the general public.

6. All of the uses/features (except for parapet screening of mechanical equipment noted in the height exceptions in Article 3, Chapter D, Section 1.E.4.a are also exempt from architectural requirements. These uses/features include:

a. Tanks;

Notes:

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 07/02/2007)

- b. Water towers;
- c. Cooling towers;
- d. Miscellaneous, unoccupied utility support structures of 1,000 SF or less (proposed addition to list).

Part 4. ULDC, Table 5.G.1.B-17 Workforce Housing Program (page 54 of 68), is hereby amended as follows:

Table 5.G.1.B-17 - Workforce Housing Program

Applicability		
Location:	Threshold	Required > or= to 10 residential dwelling units
	Tier or Overlay	U/S (including SCO), Exurban and Rural Tiers
	FLU (1)	RR-20, RR-10, RR-5, RR-2.5, LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
RR-20 thru LR-3		0 – 30%
MR-5 thru HR-18 (2)		0 – 100%
Required % of Affordable Units (3)		
Standard Density		6%
Maximum Density		20%
WHP Density Bonus		40%
Required Affordability Ranges (4) (5)		
Low (60-80%)		25%
Moderate 1 (> 80-100%)		25%
Moderate 2 (>100-120%)		25%
Middle (>120-or ≤ 150%)		25%
Provision of Units		
On-site (5) (6)		Minimum 25% of Required Workforce Units
Off site		Maximum 75% of any combination of options
	Option 1	Construct units off site
	Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict.
	Option 3	Donate build-able land acceptable to the County in an amount = or > than the buyout cost.
	Option 4	In-lieu Payment – 50% of unit maximum
[Ord. 2006-055]		
Notes:		
1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]		
2. A density bonus of >30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.F, Additional Requirements for >30% Density Bonus. [Ord. 2006-055]		
3. Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]		
4. Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle [>120-< or =150%]; the 2 nd Moderate 2 [>100-120%]; and, the 3 rd Moderate 1 [>80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055]		
5. Applicants may choose to opt out of the required middle income affordability range. Where applicable, the required distribution would be equal among the low, moderate 1 and moderate 2 ranges.		
6. a. The DRO may waive the minimum 25% on-site requirement where mandatory workforce units total ten units or less; or [Ord. 2006-055]		
b. If the homes in a development are valued at 200% or more of the median County home value (as updated by HCD). [Ord. 2006-055]		
Note: This provision does not reduce the requirement to provide WHP units, and all units not located on site shall comply with options 1 through 4 for 100% of all mandatory Workforce housing units. [Ord. 2006-055]		

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EXHIBIT F
ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 07/02/07)

Part 1. ULDC, Art. 6.A.1.D.12.a, Grass Parking (page 16 of 35), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

12. Grass Parking

Grass parking is permitted, subject to approval by the DRO, pursuant to the following procedures and standards:

a. Application

In addition to the application requirements for a site plan/final subdivision plan, the applicant shall submit the following:

- 1) a site plan showing the area proposed for grassed parking;
- 2) the proposed method of traffic control to direct vehicular flow and parking;
- 3) description of the method to ensure that the grassed parking surface will be maintained in its entirety with a viable turf cover; ~~and~~
- 4) a conceptual drainage plan for the entire parking area; and
- 5) a written statement that the area proposed for grass parking shall be used for parking on an average of no more than (3) days or nights each week.

b. Standards

The following standards shall apply to grass parking:

- 1) only parking spaces provided for peak demand may be allowed as grass parking. ~~Paved parking shall be provided for average daily traffic, including weekday employees and visitors;~~
- 2) ~~Paved parking shall be provided for average daily traffic, including weekday employees and visitors;~~ **[Relocated from above]**
- 23) a grass parking area shall not include any existing or proposed landscaped area, surface water management area or easement, other than a utility easement;
- 34) handicap parking shall not be located in a grass parking area;
- 45) grass parking areas shall meet the landscape requirements in Article 7, LANDSCAPING. ~~No gGrass parking areas shall not~~ be counted toward meeting minimum landscape or open space standards; and
- 56) all access aisles or lanes shall either:
 - a) be paved and meet the same substructural and surface standards required for paved parking surfaces; or
 - b) be surfaced with paver block or other semi-pervious coverage approved by the DRO and County Engineer; or
 - c) be stabilized with sub-base underlayment subject to approval by Land Development.
- 7) Grass parking shall be located a minimum of 100 feet from the overland flow prior to entering into a body of water or water systems.
- 8) Materials utilized in the construction of grass parking shall be drought tolerant and subject to approval by Land Development.

c. Permit

If at any time it is determined that a grass parking area does not meet the standards established in this Section, the Zoning Director shall require the restoration of the grass surface or the paving of the grass for parking.

Part 2. ULDC, Art. 6.A.1.D.19, Parking of Vehicles, Boats and Trailers in Residential Districts, (page 26 of 35), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

19. Parking of Equipment, Vehicles, and Boats or Vessels and Trailers in Residential Districts

The following standards shall apply to the parking of equipment, (including construction equipment), vehicles, recreational vehicles, sports vehicles, boats or vessels and trailers on residential parcels or adjacent streets in residential districts. For the purposes of this Section, the AR district in lands designated Rural Residential in the Plan shall not be considered a residential district.

a. General Prohibition

1) On-Street

Notes:

Underlined language indicates proposed new language.

~~Language crossed-out~~ indicates language proposed to be deleted.

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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT F
ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 07/02/07)

No person shall park, store, or keep equipment, a commercial vehicle, recreational vehicle, ~~boat, vessel, trailer,~~ sports vehicle such as dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe or paddleboat, ~~boat or trailer,~~ on any public street, or other thoroughfare or any R-O-W within a residential district for a period exceeding one two hours in any 24 hour period, each such period commencing at the time of first stopping or parking.

2) Off-Street

It shall be unlawful for any owner of land in any residential district to park on, cause to be parked on, or allow to be parked on residentially zoned land any unlicensed or unregistered vehicle, or equipment a commercial vehicle, sports vehicle, recreational vehicle, boat vessel or trailer for a period exceeding one two hours in any 24 hour period, each such period commencing at the time of first stopping or parking, ~~except that one vehicle which is unregistered or unlicensed may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots.~~

3) Vacant Lot Prohibitions

Parking shall be prohibited on all vacant properties in residential districts.

b. Exemptions

The following exemptions shall apply to parcels in residential districts, unless the parcel is vacant.

1) Commercial Vehicle

One commercial vehicle of not over one ton rated capacity may be parked per dwelling unit, providing all of the following conditions are met: vehicle is registered or licensed; used by a resident of the premises; gross vehicle weight rating (gvwr) does not exceed 12,500 pounds; height does not exceed nine feet, including any load, bed, or box; and total vehicle length does not exceed 26 feet. [Ord. 2005-041]

2) Construction Vehicles

The general prohibitions above shall not apply to the temporary parking of construction vehicles or equipment engaged in work on private land in residential districts where construction is underway, for which a current and valid building permit has been issued by the Building Director and the building permit is displayed on the premises.

3) Delivery and Service Vehicles

~~The general prohibitions above two-hour parking restriction set out above in Article 6.A.1.D.19.a, General Prohibition,~~ shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that time in excess of one two hours is due to business deliveries or servicing.

4) Emergency Repairs

The general prohibitions above shall not apply to a situation where a motor vehicle becomes disabled and, as a result of such emergency, is required to be parked in a residential district longer than two hours. Any prohibited motor vehicle shall be removed from the residential district within 24 hours, regardless of the nature of the emergency.

5) Outdoor Storage

A maximum of one recreational vehicle and any two of the following, or a maximum of three of any of the following, may be parked outdoors on a residential parcel with a residential unit: One RV, plus sports vehicles or, boat or vessel with accompanying trailers, and trailers may be parked outdoors on a residential in a residential district provided that the vehicles are:

- a) owned and used by a resident of the premises;
- b) not parked in a required front setback or other area between the structure and the street, or on street except for the purpose of loading or unloading during a period not to exceed two hours in any 24 hour period;
- c) located in the side or rear yard and are screened from surrounding property and streets with an opaque wall, fence or hedge a minimum of six feet in height;
- d) not used for living, sleeping or housekeeping purposes; and
- e) operative and currently registered or licensed, as required by state or federal law.
- f) vehicles, boats or vessels on navigable waterways are exempt; and
- g) one vehicle which does not meet the requirements above may be approved by Special Permit upon demonstration that:

- (1) The property owner, family member or legal tenant has a physical disability which requires a vehicle which cannot meet these requirements.

6) Indoor Storage

Vehicles, boats, vessels and related trailers used for non-commercial purposes, whether licensed and operational or not, located in a fully enclosed garage or permitted roofed structure.

7) Unregistered or Unlicensed Vehicles

Notes:

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EXHIBIT F
ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 07/02/07)

In addition to the indoor storage exception above, one vehicle which is unregistered or unlicensed may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots.

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EXHIBIT G

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 7/27/07)

Part 1. ULDC, Art. 7.F.3. Walls and Fences [, page 36 of 55, is hereby amended as follows:

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 3 Walls and Fences

If a wall or fence is used, the following shall apply: ~~a minimum of 75 percent of the required trees shall be located between the exterior of the wall or fence along the R-O-W or facing adjacent property. Shrubs or hedges shall be installed on both sides of the wall or fence.~~ [Ord. 2007-01]

A. Location of Wall or Fence

It is recommended that walls and fences collocated in a buffer with a berm be located at the top of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from the edge of the property line. Fences may be permitted adjacent to a property line only when used in compatibility buffers. [Ord. 2007-01]

B. Location of Planting

A minimum of 75 percent of required trees shall be located between the exterior of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. Shrubs or hedges shall be installed on both sides of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line.

~~B~~ C. Conflict with Easements

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Article 3.D, PROPERTY DEVELOPMENT REGULATIONS (PDRS). [Ord. 2007-01]

~~C~~ D. Architectural Treatment

If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent development. [Ord. 2007-01]

~~D~~ E. Chain Link Fences

Vinyl coated chain link fences are permitted only if used in the R-O-W buffer, installed behind an opaque six foot high hedge or approved by the BCC or ZC. [Ord. 2007-01]

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Notes:

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ARTICLE 8 – SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

Part 1. ULDC, Art. 8.C.1, Banners, Streamers or Pennants (page 10 of 37), is hereby amended as follows:

CHAPTER C PROHIBITIONS

Section 1 Banners, Streamers, or Pennants

Banners, streamers, pennants, and other signs made of lightweight fabric or similar material, except grand opening banners with a valid special permit, ~~mounted to a pole or building, except or~~ where otherwise stated in this Section. [Ord. 2007-01]

Part 2. ULDC, Art. 8.D.1.A.3, Cold Air Balloon Installation Permit [Related to Permit Requirements] (page 12 of 37), is hereby amended as follows:

CHAPTER D TEMPORARY SIGNS REQUIRING SPECIAL PERMIT

Section 1 Balloon Type Signs

A. Permit Requirements

-
3. Cold air balloon installation ~~occupational license~~ business tax receipt;
....

Part 3. ULDC, Table 8.G.2.A-8, Freestanding Signs: Maximum Heights (page 26 of 37), is hereby amended as follows:

Table 8.G.2.A-8 - Freestanding Signs: Maximum Heights

R.O.W Width	Maximum Height					
	C/C ¹		C/R ²		R ³	
	S ⁴	PDD ⁵	S ⁴	PDD ⁵	S ⁴	PDD ⁵
> 110 ft. ~~or greater~~	20	15	15	12	10	10
> 80 or < 110 ft.	15	10	10	8	8	8
< 80 ft. ~~or less~~	10	8	8	6	6	6

- Notes:
1. C/C = commercial, industrial, or non-residentially zoned parcels adjacent to commercial, industrial or non-residentially zoned parcels.
 2. C/R = commercial industrial or non-residentially zoned parcels adjacent to any residentially zoned parcel.
 3. R = residentially zoned parcel
 4. S = Standard Development
 5. PDD = Planned Development

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EXHIBIT I

TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

Part 1. ULDC, Art. 1.1.2, Definitions (pages 38, and 41 of 104), are hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

B. Terms defined herein or referenced Article shall have the following meanings:

68. **Buildout Period** – for the purposes of Art. 12, the anticipated time between the issuance of the Specified Development Order and December 31st of the year of completion of a proposed Project as assumed in the Traffic Impact Study and approved by the County Engineer in accordance with the standards set forth in Art.12.C.1.B.3, Projected Buildout Period, of this Section. ~~For the purpose of preparing and reviewing traffic studies, e Completion of a project shall mean the issuance of the final certificates of occupancy (CO) for buildings in a project. In the case of a non-residential project, final CO for interior tenant improvements for 80 percent of the gross leasable area shall be the completion of the proposed project for purposes of this Article. In the case of a residential project, the completion of the proposed project shall be the issuance of building permits for 80 percent of the units as set forth in the master plan or site plan as applicable.~~ [Ord. 2005-002] [Text relocated to Art. 12.C.1.B.3.b.1]

....

Part 2. ULDC, Art. 1.1.2, Definitions (pages 38, and 41 of 104), are hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

F. Terms defined herein or referenced Article shall have the following meanings:

21. Five-Year Analysis Period

a. For the purposes of Art. 12, the period of time between the submittal of a Traffic Impact Study and the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement Program in effect at the time of Traffic Impact Study submittal.

[Renumber accordingly]

Part 3. ULDC, Art. 1.1.2, Definitions (pages 38, and 41 of 104), are hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

P. Terms defined herein or referenced Article shall have the following meanings:

48. **Previously Captured Project** - for the purposes of Art. 12, a Project approved after May 21, 1987 in the Unincorporated Area or after February 1, 1990 in the incorporated Area.

[Renumber accordingly]

Part 4. ULDC, Art. 1.1.2, Definitions (pages 38, and 41 of 104), are hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

T. Terms defined herein or referenced Article shall have the following meanings:

20. **Test 2 Radius of Development Influence** – for the purposes of Art. 12, the radius of development influence used in Test 2 as set forth in Table ~~12.B.2.D-10-4B: Test 2~~ 12.B.2.D-7 3A– Radius Development Influence. The distance shall be measured in road miles from the point at which the Proposed Project's traffic enters the first Link, not as a geometric radius. [Ord. 2006-043]

Part 5. ULDC, Art. 3.F.4.D.2.a.1, Design Exception, [Related to Traditional Marketplace Development (TMD)] (page 134 of 146), is hereby amended as follows:

Notes:

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**TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS**
(Updated 07/27/07)

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

2. Street Designations and Configurations

a. Mainstreet

1) Design Exception

Main streets designed as an access way or non-residential parking lot may increase the overall width to provide for angled parking, not to exceed a 70 degree angle, as indicated in Figure 3.F.4.D-29, Typical Example of TMD Commercial Street with Angled Parking. The required width of travel lanes shall be as approved by the County Engineer based upon such factors as anticipated average daily traffic and overlap of back-out maneuvers. Parking stall dimensions shall be in accordance with Table 6.A.1.D-3, Minimum Parking Dimensions for Non-residential Uses and Residential Uses with Shared Parking Lots. [Ord. 2005 – 002]

Part 6. ULDC, Art. 6.C.1 Driveways and Access, (page 34 of 35), is hereby amended as follows:

CHAPTER C DRIVEWAYS AND ACCESS

Section 1 Standards and Access

A. Driveways Access Connections

For the purposes of this section, an access connection means the point or points at which a proposed development's traffic meets the existing right-of-way system. Access connections Driveways shall be subject to the following standards:

1. Spacing

a. Local or Residential Access Streets

~~Lots located on local or residential access streets shall have a maximum of two accessways. Access connections Driveways for lots located on local or residential access streets shall maintain a minimum set back from a side or rear lot line as follows:~~

- | | |
|----------------------------------|--------|
| 1) Single-family or Multi-family | 2 feet |
| 2) Zero Lot Line | 1 foot |
| 3) Townhouse | 1 foot |

b. Arterial and Collector Streets

~~Access connection Driveway locations and spacing shall be in accordance with the PBC Access Management Standards standards for street connections along arterial and collector roads. Provided, however, that access driveway connections to any street which is part of the State Highway System, as defined in F.S. §334.03, shall meet the permit requirements of FDOT for street connections, pursuant to F.S. Chapter 335.~~

2. Construction

Access Driveways connections to streets under the jurisdiction of PBC shall be constructed in accordance with the standards established by the DEPW.

3. Number of Access Connections

a. Local or Residential Access Streets

Lots located on local or residential access streets shall have a maximum of two access connections.

b. Arterial and Collector Streets

The number of access connections to serve a site shall be kept to a minimum. The County Engineer may restrict the number of access points or require construction of an additional access point(s) based upon the following criteria:

- 1) Proposed development frontage on roadways shown on the Thoroughfare Right of Way Identification Map;
- 2) The projected daily and peak hour traffic impacts of the development;
- 3) Proposed land use;
- 4) Traffic operations and safety on the major roadway network;
- 5) Existing or anticipated traffic volume along adjoining R-O-W;
- 6) Access connections on contiguous land or land on the opposite side of the street;
- 7) Median opening locations; and
- 8) Safe sight distance.

Notes:

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EXHIBIT I

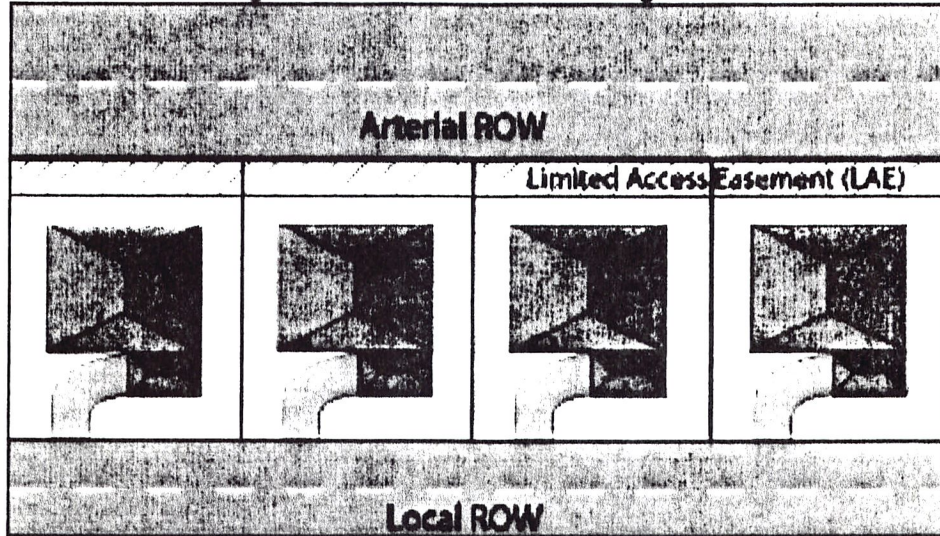
TRAFFIC PERFORMANCE STANDARDS SUMMARY OF AMENDMENTS (Updated 07/27/07)

B. Double Frontage Lots and Corner Lots

1. Double Frontage Lots

The number of access connections serving a double frontage lot shall be governed by provisions of Article 11.E.2.A.4 and the following. When a double frontage residential lot is located adjacent to a collector or an arterial road, it shall also be required to front and have access on a local or residential access street. A limited access easement shall be placed along the property line that abuts either the collector or arterial road.

Figure 6.C.1.B-19- Double Frontage Lots



2. Corner Lots

The number of access connections serving a corner lot shall be governed by the provisions of this Article and Section 300 of the Land Development Design Standards Manual.

Part 7. ULDC, Art. 12.A.3.B, Credits Against Project Traffic (page 8 of 57), is hereby amended as follows:

CHAPTER A GENERAL

Section 3 Applicability

B. Credits Against Project Traffic

This Section establishes a method for calculating credits against Project Traffic that may apply when seeking to amend a Previously Approved Development Order, or when applying for a Site Specific Development Order on property, which has an existing use. The burden shall be on the applicant to demonstrate the eligibility and the amount of credit for a proposed Project.

....

3. A Project shall be eligible for a 100 percent credit against Project Traffic if the Previously Approved or Previously Captured non-residential Project has received CO for interior tenant improvements for at least 80 percent of the gross leasable area for more than five years or a the Previously Approved or Previously Captured residential Project has received building permits for shall be deemed completely built when 80 percent of the units as set forth in the master plan or site plan as applicable have been issued building permits.
4. An urban redevelopment project located within a defined and mapped existing urban service area shall not be subject to the standards of Chapter B of this Article this Section, for up to 110 percent of the traffic generation of the previously existing development. The credit shall be calculated by applying current trip generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application.

Part 8. ULDC, Art. 12.B.1, General, (page 11 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 1 General

Notes:

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**TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)**

There is hereby established a TPS for all Major Thoroughfares within PBC. Except as specifically provided in this Article, no Site Specific Development Order shall be issued for a proposed Project which would violate this standard. This standard consists of two tests. The first test relates to the Buildout Period of the Project and requires that the Project not add Traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Project Buildout Period. The second test relates to the evaluation of traffic five years in the future and requires that the Project not add Traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Five-Year Analysis Period. Total Traffic for Test 2 is based in part upon Background Traffic information from the TPS Database. Where a CRALLS service volume has been adopted, those volumes shall apply. Where a CRALLS service volume has been adopted for the LINK only, the allowable service volume for the intersections at both ends of the CRALLS links shall be calculated as follows: Allowable CRALLS intersection volume = CRALLS Link volume/LINK LOS D volume x 1400. Where CRALLS service volumes have been adopted for contiguous links that meet at a common intersection, the allowable service volume for the intersection shall be calculated as follows: Allowable CRALLS intersection volume = the average of the two CRALLS Link volumes/Link LOS D volume x 1400. For Test 2 purposes, LOS E volumes and a 1500 critical sum shall be used in the preceding formulas for determination of the allowable CRALLS intersection volumes ~~The second test relates to the evaluation of traffic five years in the future based upon information compiled in the TPS Database. It requires that Total TPS Database Traffic not exceed the Adopted LOS on any Link or intersection.~~ [Ord. 2006-043]

Part 9. ULDC, Art. 12.B.2.A.1, Part One – Intersections, (page 11 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

A. Buildout Test - Test 1- Part One and Two

....

1. Part One – Intersections

This Part requires analysis of Major Intersections, within or beyond the Radius of Development Influence, where a Project's traffic is significant on a Link within the Radius of Development of Influence. For purposes of this Part One, Major Intersections also includes intersections of a Major Thoroughfare and a non-thoroughfare road or other point of access where: 1) the intersection is signalized or where projected traffic volumes warrant a signal; and 2) the non-thoroughfare approach is projected to carry at least 200 two-way, peak hour trips and, 3) the non-thoroughfare approach represents 20 percent or more of the intersection critical sum volume. [Ord. 2005-002]

a. The following major intersections shall be analyzed:

1) ~~At the The Major Intersections in each direction nearest to the point at which the proposed Project's Traffic enters each Project Accessed Link, and where the Project Traffic entering and exiting the intersection is significant,. Analyze the Major Intersections using the Highway Capacity Manual (HCM) 1985 Planning Methodology (CMA).~~ The intersections analyzed shall not exceed two intersections per Project Accessed Link.

2) The Single Point Urban Interchange(s) on Southern Blvd. where it is the nearest Major Intersection to the point at which the Project's Traffic enters the Project Accessed Link and where the Project Traffic entering and exiting the intersection is significant. For purposes of determining significance of the traffic entering and exiting the intersection, the traffic entering and exiting the ramps shall be considered against the combined LOS D capacity of the ramps, which shall be 4,200 vehicles per hour.

b3) ~~At all All Major Intersections where the Project Traffic comprises ten percent or more of the Total Traffic on at least one approach, the applicant shall conduct a CMA analysis .~~

eb) For intersections that are not part of the SIS, SIS Connectors, FIHS, or TRIP funded facilities, analyze the Major Intersections using the Highway Capacity Manual (HCM) 1985 Planning Methodology (CMA). The intersections shall operate below the threshold of 1,400 vehicles per hour as a Critical Volume using CMA, or the Project shall fail Test One. In the event that one or more intersections exceed the 1,400 threshold or the intersections are part of the SIS, SIS Connectors, FIHS, or TRIP funded facilities, the applicant shall may elect to conduct the intersection analysis of those intersections using the HCM Operational Analysis using the most recent version of the HCM.

dc) ~~If tThe HCM Operational Analysis is selected, the analysis will~~ shall comply with the default input values published by the County Engineer no more frequently than twice per year. Revisions to the input values may be made subject to approval by the County

Notes:

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EXHIBIT I

TRAFFIC PERFORMANCE STANDARDS SUMMARY OF AMENDMENTS

(Updated 07/27/07)

- Engineer to reflect actual or projected field conditions where substantial differences from the default published values can be demonstrated. If the intersection average total delay or the Critical Volume is at or below the thresholds identified in Table 12.B.2.C-2 1B, the Project passes Part One of Test One and continues with the Part Two – Link Analysis. If the intersection average total delay or the Critical Volume exceeds the thresholds identified in Table 12.B.2.C-2 1B, the Project fails Part One of Test One.
- e. ~~For the projects on or having a directly accessed link to Southern Boulevard, the single Point Urban Interchange shall be treated as one of the nearest Major Intersections. For purposes of determining significance of the traffic entering and exiting the intersection, the traffic entering and exiting the ramps shall be considered against the combined LOS D capacity of the ramps, which shall be 4,200 vehicles per hour. [Ord. 2005 – 002]~~

Part 10. ULDC, Art. 12.B.2.A.2, [Part Two–Links], (page 11 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

A. Buildout Test - Test 1- Part One and Two

....

2. Part Two–Links

This Part requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is significant on a Link within the Radius of Development influence. The Total Traffic in the peak hour on the Link shall be compared to thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic; two-way volume threshold. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the Total Traffic is higher than the threshold, then the Project fails Part Two. If the Project fails, the applicant may elect to complete a more detailed analysis as outlined below, to demonstrate compliance with Part Two. [Ord. 2005 – 002]

a. Optional Analysis i., On all Links where the peak hour Total Traffic two-way volume exceeds the Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic two-way volume thresholds, the Peak Hour directional traffic volumes on each Link shall be compared to the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the peak hour Total Traffic is higher than the threshold, then the Project fails. If the Project fails, optional analysis ii may be completed as outlined below, to demonstrate compliance with Part Two.

b. Optional Analysis ii, On all Links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Class I and the Major Intersections on each end of the failing Link shall be analyzed ~~using the CMA analysis~~. If the project is on Southern Boulevard, the intersection created by the Single Point Urban Interchange shall not be considered the intersection at the end of the link since the intersection is actually not on Southern Boulevard. The pProject should include the next intersection with Southern Boulevard for analysis: and compliance. ~~If these intersections exceed the 1,400 Critical Volume, these intersections must meet LOS D using the HCM Operational analysis. The Project shall pass Part Two of Test One if:~~ [Ord. 2005 – 002]

1) the Total Traffic peak hour directional volume on the Link is less than the thresholds in Table 12.B.2.C-1, 1A: LOS D. Link Service Volumes Class I; and

2) and the intersections are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C-2, 1B: LOS D Intersection Thresholds.

If the Project fails Part Two of Test One using optional analysis ii but the intersections at the end of the failing link are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C-2,1B a more detailed analysis as outlined in Optional Analysis iii may be completed to demonstrate compliance with Part Two. [Ord. 2005 – 002]

c. Optional Analysis iii, On all Links where the Total Traffic peak hour; two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, but the intersections at the end of the Link did not exceed the 1,400 Critical Volume or the LOS D Intersection Threshold;

1) ~~†~~The HCM Arterial Analysis Operational methodology shall be conducted if the Buildout period is five years or fewer and the traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are less than or equal to 2 miles apart. For these Links, the Project shall demonstrate that the Total

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**TRAFFIC PERFORMANCE STANDARDS
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Traffic peak hour, directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS D as defined in Table 12.B.2.C-3, 1C: LOS D. Speed Thresholds. If the speed is lower than LOS D then the Project fails Part Two of Test One. If the speed is equal to or higher than the LOS D speed threshold, then the Project shall pass Part Two of Test One. [Ord. 2005-002]

- 2) If traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are more than 2 miles apart, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Uninterrupted Flow. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the Total Traffic is higher than the threshold, then the Project fails.
- 3) If the Buildout Period is greater than five years, the traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are less than or equal to 2 miles apart, and the Total Traffic peak hour, two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, then the Project fails Part Two of Test One.

....

Part 11. ULDC, Art. 12.B.2.B, Five Year Analysis – Test 2, (page 13 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

B. Five Year Analysis - Test 2

....

- b. Optional Analysis ii. On all links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-4 2A, Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-4 2A, Class I, and the Major Intersections on each end of the failing Link shall be analyzed, ~~using the CMA analysis. If these intersections exceed the 1400 Critical Volume, these intersections must meet LOS E using the HCM Operational Analysis.~~ The Project shall pass Test Two using this Optional Analysis if: [Ord. 2006-043]
-
- c. Optional Analysis iii. On all links where the Total Traffic peak hour two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, but the intersections at the end of a link did not exceed the 1500 Critical Volume or the LOS E Intersection Threshold;
- 1) The HCM Arterial Analysis Operational methodology shall be conducted: if the traffic signals projected to be in place on the Link during the Five Year Analysis Period are less than or equal to 2 miles apart. For these links, the project shall demonstrate that the Total Traffic peak hour directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS E as defined in Table 12.B.2.C-6 2C. If the speed is lower than LOS E, then the project fails Test Two. If the speed is equal to or higher than the LOS E speed threshold, then the project shall pass Test Two. [Ord. 2006-043]
- 2) If traffic signals projected to be in place on the Link during the Five Year Analysis Period are more than 2 miles apart, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-4 2A: LOS E Link Service Volumes, Uninterrupted Flow. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Test Two. If the Total Traffic is higher than the threshold, then the Project fails.

Part 12. ULDC, Art. 12.B.2.C, Level of Service Standard, (page 14 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

C. Level of Service Standard

....

3. For roads on the SIS, SIS Connectors, FIHS, and TRIP-funded facilities, the LOS standard shall be LOS D in Urban Areas, and LOS C in Transitioning Urban Areas, Urban Areas, or Communities; and, LOS B in Rural Areas as adopted by the FDOT. This standard must be

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met for roadways on a peak hour/peak direction basis, in accordance with the methodologies specified in FDOT Rule 14-94. Numeric values for this standard, for planning purposes, are shown in Table 4-7 in FDOTs "LOS Manual." For more specific capacity determinations, numeric calculations of this standard shall be in accordance with the methodologies for roadway capacity, (Chapter 11) contained within the Highway Capacity Manual, Special Report 209, Third Edition, as published by the Transportation Research Board or the FDOTs "Level of Service Manual" (1995 or as amended), using "ART-Plan". For Projects with impacts on the FHHS roadways the LOS standard shall be established and met for each Project phase, and at Project completion.

a. A Project with traffic impacts on roads on the FHHS, that received a Development Order prior to the implementation of the methodology described above, may readdress its traffic impacts on the FHHS based on the methodology described in Article 12.B.2.C.3, above using updated traffic information.

4. A different service volume may be adopted for a specific road or intersection as part of the Plan as a CRALLS. A required roadway improvement that is the subject of a development order condition may not be necessary due to the adoption of a CRALLS. An applicant with a Project that has a development order condition for a roadway improvement or is phased to the unnecessary roadway improvement may request the appropriate governing body to remove the applicable roadway phasing condition. The application may be approved provided that the concurrency reservation (for unincorporated Projects) or determination of the County Engineer (for municipal Projects) has been amended to delete the applicable roadway phasing condition.

Table 12.B.2.C-1 1A: LOS D Link Service Volumes

FACILITY TYPE		ADT	Peak Hour Two Way	Peak Season, Peak Hour, Peak Direction		
				(Class I)	(Class II)	Uninterrupted Flow
2 lanes undivided ¹	2L	12,300	1,170	690	650	1030
2 lanes one-way	2LO	19,600	1,870	2,230	2,050	
3 lanes two-way	3L	15,400	1,460	860	810	
3 lanes one-way	3LO	29,500	2,810	3,350	3,080	
4 lanes undivided ¹	4L	24,500	2,330	1,400	1,280	3490
4 lanes divided	4LD	32,700	3,110	1,860	1,710	3490
5 lanes two-way	5L	32,700	3,110	1,860	1,710	
6 lanes divided	6LD	49,200	4,680	2,790	2,570	5230
8 lanes divided	8LD	63,800	6,060	3,540	3,330	
4 lanes expressway	4LX	67,200	6,250	3,440	3,440	
6 lanes expressway	6LX	105,800	9,840	5,410	5,410	
8 lanes expressway	8LX	144,300	13,420	7,380	7,380	
10 lanes expressway	10LX	182,600	16,980	9,340	9,340	

[Ord. 2005 – 002]

Based on the FDOT Quality/ LOS Manual, 2002 edition.

¹Service volumes for "undivided" roadways assume no left turn lanes are available. [Ord. 2005 – 002]

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TRAFFIC PERFORMANCE STANDARDS
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Table 12.B.2.C-4 2A: LOS E- Link Service Volumes

FACILITY TYPE		ADT	Peak Hour Two-Way	Peak Season, Peak Hour, Peak Direction		
				Class I	Class II	(Uninterrupted Flow)
2 lanes undivided ¹	2L	13,000	1,240	710	680	1410
2 lanes one-way	2LO	20,700	1,960	2,230	2,160	
3 lanes two-way	3L	16,300	1,550	890	850	
3 lanes one-way	3LO	31,100	2,950	3,350	3,250	
4 lanes undivided ¹	4L	25,900	2,450	1,400	1,350	3970
4 lanes divided	4LD	34,500	3,270	1,860	1,800	3970
5 lanes two-way	5L	34,500	3,270	1,860	1,800	
6 lanes divided	6LD	51,800	4,920	2,790	2,710	5960
8 lanes divided	8LD	67,000	6,360	3,540	3,500	
4 lanes expressway	4LX	76,500	7,110	3,910	3,910	
6 lanes expressway	6LX	120,200	11,180	6,150	6,150	
8 lanes expressway	8LX	163,900	15,240	8,380	8,380	
10 lanes expressway	10LX	207,600	19,310	10,620	10,620	

[Ord. 2005 – 002]

Based on the FDOT Quality/LOS Manual, 2002 edition

¹Service volumes for “undivided” roadways assume no left turn lanes are available. [Ord. 2005 – 002]

Part 13. ULDC, Art. 12.B.2.D, Radius of Development Influence/Project Significance (page 16 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Bulldout/Five Year Standard

D Radius of Development/Project Significance

Table 12.B.2.D-7, 3A and Table 12.B.2.D-8, 3B represent the Radius of Development Influence- (Test One) and Radius of Development Influence (Test Two) for the specific volume of the proposed Project's Net Trips. [Ord. 2006-043]

Table 12.B.2.D-7 3A: Test One—Maximum Radius of Development Influence

Net External Peak Hour Two-Way Trip Generation			Radius
1	thru	20	Directly accessed link(s) of first accessed major thoroughfare(s)
21	thru	50	0.5 miles
51	thru	100	1 mile
101	thru	500	2 miles
501	thru	1,000	3 miles
1,001	thru	2,000	4 miles
2,001	thru	Up	5 miles

[Ord. 2005 – 002] [Ord. 2006-043]

Table 12.B.2.D-8 3B: Test Two—Model Test—Maximum Radius of Development Influence

Net Daily Trip Generation	Radius
1—50	Need not address any Link under Test 2
51—1,000	Only address Project-Accessed Link on first accessed major thoroughfare.
1,001—4,000	1 mile
4,001—8,000	2 miles
8,001—12,000	3 miles
12,001—20,000	4 miles
20,001—up	5 miles

[Ord. 2006-043]

- For Test One, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than one percent of the LOS D of the Link affected on a peak hour basis AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D of the Link affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS D of the Link affected on a peak hour basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes. [Ord. 2006-043]
- For Test Two, a Project must address only those Links within the Radius of Development Influence on which its Net Trips are greater than three percent of the LOS E of the Link

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affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-4, 2.A: LOS E Link Service Volumes AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D E of the Link affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-4, 2A: LOS E Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS E of the Link affected on an Peak Hour basis up to the limits set forth in Table 12.B.2.C-4, 2.A: LOS E Link Service Volumes. [Ord. 2006-043]

Table 12.B.2.D-9-3B identifies the thresholds for the purposes of defining project significance for Test One. The LOS D thresholds shall mean those peak hour two-way volumes listed in Table 12.B.2.c-1 1A. Table 12.B.2.D-10-4B identifies the Significance thresholds for Test Two. The LOS E thresholds shall be those Peak Hour volumes listed in Table 12.B.2.C-4, 2A. [Ord. 2006-043]

Part 14. ULDC, Table 12.B.2.D-9.3C, Test One Levels of Significance and Table 12.B.2.D-10 3D Test Two Levels of Significance, (page 17 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

D Radius of Development/Project Significance

Table 12.B.2.D-9 3C – Test One Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	one percent LOS D within Radius, five percent LOS D outside Radius	five percent LOS D

[Ord. 2006-043]

Table 12.B.2.D-10 3D – Test Two Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	three percent LOS E within Radius, five percent LOS E outside Radius	five percent LOS E

[Ord. 2006- 043]

Pursuant to section 163.3180(6), Florida Statutes, any Project which is below the Significance level identified in Tables 12.B.2.D-9 3C on a Link within its Radius of Development Influence that has been identified as ineligible for de minimis exception by the Florida Department of Community Affairs (DCA) must still meet the requirements of Test 1 for that Link. This subsection shall not apply to a Project that consists of one single family home on an existing lot.

Part 15. ULDC, Art. 12.B.2.E, Phasing, (page 17 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

E Phasing

Phasing may be utilized by the Applicant to establish compliance with this standard if all of the following conditions are met:

....

5. For any Assured Construction which is to be completed by the Applicant as to the Unincorporated Area, the Applicant must agree in writing prior to approval of the Traffic Impact Study the application being accepted that a condition of approval must be imposed or an Agreement executed and sufficient Performance Security must be required; and as to the Incorporated Area either an Agreement must be executed by all parties prior to or concurrent with the issuance of the Site Specific Development Order, or the Site Specific Development Order must have as a condition the completion of the Assured Construction and timely posting of Performance Security.

Part 16. ULDC, Art. 12.B.2.F, Reliance on Assured Road Construction, (page 18 of 57), is hereby amended as follows:

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**TRAFFIC PERFORMANCE STANDARDS
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CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

F Reliance on Assured Road Construction

Phasing may be utilized by the Applicant to establish compliance with this standard if all of the following conditions are met:

-
2. If the Assured Construction is in the ~~first three years of~~ PBCs Five Year Road Program Ordinance as construction, or the ~~first three years of~~ the FDOT Adopted Work Program for construction, and was relied upon for the issuance of the Site Specific Development Order and the construction is subsequently deleted from the PBC Five Year Road Program Ordinance, or the FDOTs Adopted Work Program, Building Permits for development that was phased to that Assured construction shall be issued, but not sooner than the end of the fiscal year construction was to commence. For purposes of this paragraph, "deleted" shall mean the elimination of the construction project, the material reduction in the scope of construction work or funding thereof (as it affects the construction project), the postponement of the construction project for more than two years (one year for projects approved prior to June 16, 1992) beyond the year the construction was originally programmed in the ~~first three years of~~ PBCs Five-Year Road Program or the ~~first three years of~~ the FDOTs Adopted Work Program.

Part 17. ULDC, Art. 12.C.1, Traffic Impact Study, (page 18 of 57), is hereby amended as follows:

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

A. Scope

A Traffic Impact Study shall be required for any ~~P~~roposed Project, except as set forth in Article 12.E.1.C, No Study Needed. It shall be presented concisely using maps whenever practicable; and shall state all assumptions and sources of information.

B. Criteria

The following criteria shall be addressed:

....
2. Radil of Development Influence

The traffic study shall use the Radius ~~O~~f Development Influence for Test One and Test Two.

3. Projected Buildout Period

a. Assumption

The ~~Projected~~ Buildout Period of the Project shall be set forth in the Traffic Impact Study study and shall be subject to the review and approval of the County Engineer, based on the following criteria.

- a.1) The size, type and location of the proposed Project.
b.2) Customary Buildout Periods for Projects of similar size, type, and location.
e.3) Any other factors or conditions relevant to the specific Project, including special market conditions and schedules of Assured Construction.

b. Enforcement

For enforcement purposes, the Buildout Period of the Project shall be deemed complete if any of the following is true:

- 1) In the case of a non-residential project, final COs have been issued for interior tenant improvements for 80 percent of the gross leasable area.
2) In the case of residential projects with: [Text relocated from Art. 1.I.2.B.68]
a) a Development Order issued on or before August 27, 2007;
b) a project buildout condition of approval in the Development Order; and
c) 80 percent or more of the total lots platted not more than four years after the expiration of the project buildout condition of approval in the Development Order, the completion of the proposed project shall be issuance of building permits for 50 percent+ one of the total project units as set forth in the master plan or site plan as applicable.
3) In the case of residential projects with:
a) a Development Order issued on or before August 27, 2007;
b) a project buildout condition of approval in the Development Order; and
c) less than 80 percent of the total lots platted no more than four years after the expiration of the project buildout condition of approval in the Development Order, the completion of the proposed project shall be issuance of building permits for 80 percent of the total project units as set forth in the master plan or site plan as applicable.

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- 4) In the case of residential projects with:
- a) a Development Order issued on or before August 27, 2007;
- b) that do not have a project buildout condition of approval in the Development Order; and
- c) that have received building permits for 80 percent of the total project units as set forth in the master plan or site plan as applicable the project shall be deemed complete for the purposes of this section.
- 5) In the case of residential projects with:
- a) a Development Order issued after August 27, 2007; and
- b) a buildout condition of approval in the Development Order, the completion of the proposed project shall be the issuance of building permits for 80 percent of the total project units as set forth in the master plan or site plan as applicable.
- 6) For the purpose of implementing the aforementioned rules:
- a) residential projects which have received building permits for 50 percent or less of the total project units (as set forth in the master plan or site plan as applicable) as of the date of expiration of the buildout condition of approval shall not receive any additional building permits until such time as a time extension for the buildout condition of approval is approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request;
- b) residential projects which have received building permits for 80 percent or more of the total project units (as set forth in the master plan or site plan as applicable) as of the date of expiration of the buildout condition of approval shall be considered complete;
- c) residential projects which have received building permits for at least 50 percent + one, but less than 80 percent of the total projects units (as set forth in the master plan or site plan as applicable) as of the date of expiration of the buildout condition of approval shall not receive any additional building permits until either:
- (1) 80 percent or more of the total lots have been platted not more than four years after the expiration of the project buildout condition of approval in the Development Order, in which case the project shall be deemed complete; or
- (2) a time extension for the buildout condition of approval is approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

Part 18. ULDC, Art.12.C.1.C Traffic Impact Study, (page 18 of 57), is hereby amended as follows:

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

C. Traffic Volume Components

The traffic impact study shall address the Total Traffic volumes at the Project Buildout Year and at a five year time horizon the Five Year Analysis Period as outlined for Test One and Test Two. [Ord. 2006-043]

1. Existing Traffic - (Peak Season Peak Hour Traffic)

Peak Hour Traffic, two-way and directional shall be counted by PBC during the Peak Season as defined in this Article. Where current data (collected no more than 30 months prior to submittal of the Traffic Impact Study) are not available the Project shall conduct counts or upon approval by the County Engineer may establish the Peak Hour Traffic using approved K and D factors.

b. Factors

Where a Peak Season, Off-Peak Season or directional traffic count is not readily available, the count for the Link or Intersection ~~which is unavailable~~ may be established using factors established by the County Engineer for various areas of PBC based on the best available data and generally accepted traffic engineering principles.

4. Background Traffic

b. Historical Growth Tables

Using the Historical Traffic Growth Tables of the County Engineer, the study shall forecast the change in traffic volumes based on Background Traffic within the proposed Project's Radius of Development Influence during the Buildout Period of the proposed

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Project. The Historical Growth Tables shall be based on historical daily traffic volumes. However, this change shall be applied on an average peak hour basis and a Peak Season, Peak Hours-Peak direction basis if optional analyses are selected. The effect of residential and non-residential projects shall be considered in projecting the increase or decrease in traffic volumes so as to ensure that there is no double counting or omission in Background Traffic. In using the historical growth tables, engineering judgment shall be used to take into account special circumstances such as the opening of a parallel road or a high traffic generation that may distort the growth trend. For Projects with a lengthy buildout time (five years or more) an area wide growth rate using a number of locations in the tables may be appropriate. No growth rate less than zero percent may be used without approval of the County Engineer when the growth rate is a negative. Zero percent shall be used unless approved by the County Engineer. [Ord. 2006-043]

....

5. Assured Construction

Assured Construction shall be considered completed as scheduled at the time of submittal of the Traffic Impact Study for the purpose of preparation of the study. Whether it is in fact Assured Construction and the timing of the Assured Construction shall be subject to the confirmation of the County Engineer. The Traffic Impact Study shall specifically identify the need for phasing based on Assured Construction.

Part 19. ULDC, Art. 12.D, Procedure, (page 22 of 57), is hereby amended as follows:

CHAPTER D PROCEDURE

Section 1 Required Submission of Impact Study

A. Application Procedure

Prior to acceptance of any application for a Site Specific Development Order in the unincorporated area, or issuance of a Site Specific Development Order in the incorporated area, a non-refundable application fee established by the BCC from time to time to defray the actual cost for processing the application, shall be submitted along with the Traffic Impact Study or documentation sufficient to establish that the application is not subject to the standards of this Article.

In order to receive a time extension pursuant to Article 2.E, MONITORING, the applicant shall be required to submit either:

1. aA new Traffic Impact Study that meets the standards of this Article in effect at the time the extension is requested, or
2. dDocumentation sufficient to establish that the Project with the additional time provided by the extension meets the standards of this Article in effect at the time the extension is requested granted.

....

Section 3 Approval of Traffic Impact Study

When the County Engineer has found the proposed Traffic Impact Study to comply with the requirements of this Article, the County Engineer shall issue an approval letter to the applicant with copies to the appropriate local governing bodies. This approval letter shall contain, at a minimum, a summary of the project, its impacts on the surrounding roadway network, and any conditions of approval necessary to ensure compliance with this Article.

Part 20. ULDC, Art. 12.R, Corridor Master Plans, is hereby added as follows:

CHAPTER R CORRIDOR MASTER PLANS

Section 1 General

The County and affected municipalities shall develop individual corridor master plans to address each projected corridor failure In corridors identified in the Comprehensive Plan Transportation Element Policy 1.1n, where the adopted Level of Service may not be achieved pursuant to the 2025 Transportation System for Palm Beach County, Highway Component, prepared by the Metropolitan Planning Organization (hereinafter referred to as the "MPO Model"). Once a Corridor Master Plan (hereinafter referred to as "CMP") has been adopted by the County and any affected municipality for a particular corridor, no project which is Significant on that corridor shall be approved for development by the County or affected municipality unless the project meets the requirements of that Corridor Master Plan.

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A. Corridor Identification.

A corridor subject to CMP shall consist of a series of continuous Major Thoroughfare Links, two or more of which exceed a volume to capacity ratio of 1.0 as projected by the MPO model. All corridors subject to this section are identified in the Comprehensive Plan.

B. Development and Implementation.

Corridor Master Plans shall initially be prepared by designated representatives of the County and any affected municipalities. Corridor Master Plans shall be based generally upon the following Outline:

1. Overview of the Study Process
 - a. Study Purpose and objectives
 - b. Identification of study area
 - c. Corridor History
 - d. Agency Coordination
 - e. Public notice and participation of affected property owners
 - f. Decision chronology
2. Corridor problems and needs
3. Evaluation Criteria and Methodology
4. Development and Analysis of Detailed Alternatives
5. Financial Analysis to determine the Preferred Alternative
6. Action Plan

C. Adoption by the County and Affected Municipalities.

1. The Corridor Master Plan must be adopted and implemented by the County and any affected municipalities in order for the terms of the Plan to be enforceable within their respective jurisdictions. If there are outstanding issues that the County and municipal representatives not agree to in the initial draft of the CMP, these issues shall be documented by setting forth the areas of disagreement, the positions of the representatives participating, and any alternatives and compromises offered
2. The draft Corridor Master Plan will be presented to the governing body of the County and each affected municipality for review and comment. If there are also outstanding issues identified by the staffs, the areas of disagreement will also be presented to the respective elected Boards/Commissions for input on how the disagreement should be resolved. If there are remaining unresolved issues identified pursuant to sections C.1., C.2., or C.5, the elected officials shall appoint a negotiator to speak for that local government.
3. The designated negotiators shall meet in an attempt to resolve those issues. If agreement is reached, the Corridor Master Plan shall be finalized and presented to the local governments for adoption pursuant to section C.5.
4. If outstanding issues remain after the negotiators meet, the parties will schedule a joint mediation meeting of the elected bodies to attempt to resolve those issues. A facilitator/mediator shall chair the meeting. If the parties cannot agree to a facilitator/mediator, the parties will request that the Treasure Coast Regional Planning Council either assist them in selecting a facilitator/mediator or actually select the facilitator/mediator.
5. The Corridor Master Plan shall be finalized to include all the items agreed upon by the parties. The Corridor Master Plan shall be presented to the County and each affected municipality for adoption. If any additional areas of disagreement are identified in the adoption process, the local government raising the issue shall present a written report to the other jurisdictions detailing the area of disagreement and reasons for the disagreement. If this occurs, the report will be presented to the other parties. If all of the other parties do not agree to the requested change to the Corridor Master Plan, each local government shall appoint a negotiator as set forth in section C.3. to resolve the issue.
6. The Corridor Master Plans shall become effective upon adoption by all of the appropriate local governments.

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**ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)**

Part 1. ULDC, Art. 14.B.3.B, Review and Permitting Procedures [Related to Applicability] (page 12 of 56), is hereby amended as follows:

CHAPTER B WELLFIELD PROTECTION

Section 3 Applicability

B. Review and Permitting Procedures

No building permit or ~~occupational license~~ business tax receipt for any nonresidential activity shall be issued by PBC or any city located within PBC that would allow development or construction in Zones 1, 2, 3, or 4 that is contrary to the restrictions and provisions provided in this Chapter. Permits or ~~occupational licenses~~ business tax receipts issued in violation of this Chapter confirm no right or privilege on the grantee and such invalid permit or licenses will not vest rights.

Part 2. ULDC, Art. 14.B.4.A, Effective Date] (page 13 of 56), is hereby amended as follows:

CHAPTER B WELLFIELD PROTECTION

Section 4 Effective Date

A. Effective Date

The requirements and provisions of this Chapter shall apply immediately upon and after March 7, 1988 to all new nonresidential activities. An existing activity is one for which a building permit or ~~occupational license~~ business tax receipt had been issued by the appropriate jurisdiction prior to March 7, 1988 and which had not expired on or before March 7, 1988, or for which a completed building permit or ~~occupational license~~ business tax receipt application had been filed and accepted with the appropriate jurisdiction prior to March 7, 1988. All other activities shall be deemed "new."

Part 3. ULDC, Art. 14.B.4.C, Certification of Compliance [Related to Effective Date] (page 13 of 56), is hereby amended as follows:

CHAPTER B WELLFIELD PROTECTION

Section 4 Effective Date

C. Certification of Compliance

Any application submitted for an ~~occupational license~~ business tax receipt for any use within Zones 1, 2, 3, or 4 of an incorporated or unincorporated area shall require certification by ERM that the use meets the applicable requirements of this Article.

Part 4. ULDC, Art. 14.B.4.D, Screening of Occupational License [Related to Effective Date] (page 13 of 56), is hereby amended as follows:

CHAPTER B WELLFIELD PROTECTION

Section 4 Effective Date

D. Screening of Occupational License

It shall be the duty of each local agency to screen all applications for Zones 1, 2, 3, or 4 ~~occupational licenses~~ business tax receipts.

Part 5. ULDC, Art. 14.C.11.B.4, Establishing Native Upland Preserves [Related to Technical Requirements for a Standard Permit] (page 38 of 56), is hereby amended as follows:

Notes:

Underlined language indicates proposed new language.

Language ~~crossed out~~ indicates language proposed to be deleted.

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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT J

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

....
B. Technical Requirements for a Standard Permit

....
4. Establishing Native Upland Preserves

All standard permits for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcels owners that have significant or unique areas of native upland vegetation, regardless of parcel size shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than one half acre in size. New public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter.

Factors that will determine if a parcel has significant or unique areas of native vegetation include, but are not limited to the quality of the native ecosystem, overall quality of its biological diversity, the presence of listed species, the wildlife habitat, value grouping of native vegetation, and the compactness of the preserve and its proximity to other natural preserve areas and corridors.

....

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Notes:

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ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

Part 1. ULDC, Art. 15.A.3.B, General Provisions [Related to Permits] (page 3 of 23), is hereby amended as follows:

CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS)

Section 3 General Provisions: OSTDS

B. No municipality or political subdivision of the State of Florida, including PBC, shall issue a building or plumbing permit for any building requiring the use of an OSTDS unless the owner or builder has received a permit for such system from the Department. No municipality or political subdivision of the State of Florida should issue an ~~occupational license~~ business tax receipt to an owner or tenant of a building or otherwise allow an individual or business to relocate into or within an area zoned or used for industrial or manufacturing purposes or its equivalent until the owner or tenant has received written approval from the Department. Approval shall state that the OSTDS serving the business has been evaluated, is not expected to receive toxic or hazardous waste and is adequately designed to meet the sewage treatment and disposal needs of the business.

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Notes:

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EXHIBIT L

ARTICLE 17 – DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

Part 1. ULDC, Art. 17.A.1.C, Powers and Duties [Related to Applications for Voluntary Density Bonus Programs] (page 6 of 25), is hereby amended as follows:

CHAPTER A BOARD OF COUNTY COMMISSIONERS

Section 1 Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

- C. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Voluntary Density Bonus ~~(VDB)~~ Workforce Housing Program (WHP) Programs;

Part 2. ULDC, Art. 17.C.3.B.2, Appeals from Decisions of the Planning Director on Applications [Related to Powers and Duties] (page 11 of 25), is hereby amended as follows:

CHAPTER C APPOINTED BODIES

Section 3 Development Review Appeals Board

B. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

2. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and ~~VDB~~ WHP; and

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Notes:

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Relocated language is shown as *italicized* with reference in parenthesis.

**FACILITIES, DEVELOPMENT & OPERATIONS
SUMMARY OF AMENDMENTS**
(Updated 07/27/07)

Part 1. ULDC, Art. 1.I.2, [Related to Definitions and Acronyms], (page 46 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

D. Terms defined herein or referenced Article shall have the following meanings:

....

32. Development Order –

- a. Any order granting or granting with conditions an application for a development permit.
- b. For the purposes of Art. 2.F, any Concurrency Reservation that applies to lands that are owned by a unit of local, state, or federal government and utilized for buildings or facilities that are owned by a government entity and support government services or delivery of public services.
- bc. For the purposes of Art. 9 and Art. 12, as defined in F. S. § 163.3164.

[Renumber accordingly.]

....

39. Deviation(s) Subject To BCC Approval - An abatement of the requirements of Articles 5, 6, and 7 of the ULDC for development supporting government facilities within the PO Zoning District, subject to approval by the BCC.

40. Deviation(s) Subject To County Engineer Approval - An abatement of the requirements of Article 11 of the ULDC for development supporting government facilities within the PO Zoning District, subject to approval by the County Engineer.

[Renumber accordingly.]

....

G. Terms defined herein or referenced Article shall have the following meanings:

....

9. Government Facilities – lands that are owned by a unit of local, state, or federal government, that support government services, customary government operations, or delivery of public services.

[Renumber accordingly.]

....

Part 2. ULDC, Art. 2.A.1.D.1.a, Board of County Commissioners (BCC), [Related to Deviations in the PO Zoning Districts] (page 7 of 50), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

D. Authority

1. Processes

For the purposes of this Article, the authority of the BCC, ZC, DRO and Zoning Director shall be limited to the development order applications specified below. **[Ord. 2006-036]**

a. Board of County Commissioners (BCC)

The BCC, in accordance with the procedures, standards and limitations of this Article shall consider the following types of development order applications:

- 1) Official Zoning Map Amendment (Rezoning);
- 2) Class A conditional use;
- 3) Requested use;
- 4) Development Order Amendment (DOA);
- 5) Abandonment; and
- 6) Status Report; and
- 7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting government facilities within the PO Zoning District.

Part 3. ULDC, Art. 3.D.1.E.2, Multifamily, Nonresidential Districts and PDDs, Related to Building Height] (page 57 of 146), is hereby amended as follows:

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 1 PDRs for Standard Zoning Districts

Notes:

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EXHIBIT M

FACILITIES, DEVELOPMENT & OPERATIONS SUMMARY OF AMENDMENTS (Updated 07/27/07)

E. Building Height

The maximum height for buildings and structures in all districts shall be 35 feet, unless otherwise stated. [Ord. 2005-002]

2. Multifamily, Nonresidential Districts and PDDs

In the RM, CLO, CHO, CG, IL, IG, and PDD districts, buildings may exceed 35 feet in height as follows: Buildings over 35 feet in height shall be setback in accordance with Table 3.D.1.A-17, Property Development Regulations, with one additional foot of setback to be provided in addition to the required setback for each one foot in height, or fraction thereof, over 35 feet. In the PO District, buildings over 35 feet in height shall provide one foot of setback, in addition to required perimeter landscape buffers, for each additional one foot in height or fraction thereof over 35 feet. This regulation shall have no effect on any existing structure within the PO District that is conforming as of the effective date of this Code. [Ord. 2005-002]

Part 4. ULDC, Art. 3.E.1.A.5, Thresholds (page 65 of 146), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

A. General

5. Thresholds

PDDs approved after the effective date of this Code shall meet or exceed the minimum threshold requirements of the applicable PDD. The minimum thresholds shall not apply to previously approved plans.

a. Government Facilities

A parcel of land in any FLU category that supports government facilities shall be exempt from the PDD threshold provisions.

Part 5. ULDC, Art. 3.F.4.E.8.c, Preserve Areas [Related to AGR TMDs] (page 142 of 146), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

Section 4 Traditional Marketplace Development (TMD)

E. Standards Applicable to AGR Tier

8. Preserve Area and Open Space Requirements

c. Preserve Areas

An AGR preserve area shall comply with the requirements of Art. 3.E.2.F.3, Preservation Area; Table 3.F.1.F-44, Traditional Development Permitted Use Schedule; Article 4.B., Supplementary Use Standards; all other development regulations that are applicable to the AGR Tier and proposed use(s); and policies under Objective 1.5 of the FLUE of the Plan. Nothing herein shall be misconstrued as requiring a Preserve Area to conform to Article 3.F.4.D, Development Standards for all TMDs. [Ord. 2005-002] [Ord. 2006-004]

Part 6. ULDC, Art. 4.A.4.A, General (page 19 of 149), is hereby amended as follows:

CHAPTER A USE CLASSIFICATION

Section 4 Development Thresholds

A. General

Any amendment to an existing development, or new construction of residential, commercial or industrial projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table 4.A.3.A-3, Thresholds for Projects Requiring Board of County Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art. 2.B.1, Official Zoning Map Amendment (Rezoning). Projects located in the PO Zoning District or that propose to rezone to the PO district, that support existing or proposed government facilities, shall be exempt from this requirement. Projects that meet or exceed the thresholds of this table that do not meet the access and dimension requirements of a PDD or TDD; are not allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use, shall be approved as a Class A Conditional Use. [Ord. 2006-004]

Notes:

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**FACILITIES, DEVELOPMENT & OPERATIONS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)**

Part 7. ULDC, Art. 5.A, Applicability to the PO Zoning Districts (page 7 of 68), is hereby amended as follows:

CHAPTER A GENERAL

Section 3 Deviations for the PO Zoning District

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards:

- A. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development;
- B. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions;
- C. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development;
- D. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development;
- E. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and,
- F. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare.

Part 8. ULDC, Art. 6.A.1.B, Applicability, (page 3 of 35), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

B. Applicability

4. Deviations for the PO Zoning District

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to approval by the BCC utilizing the following standards:

- a. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development;
- b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions;
- c. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development;
- d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development;
- e. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and,
- f. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare.

Part 9. ULDC, Art. 7.A.1.F, Deviations (page 12 of 55), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Landscape and Buffering

F. Deviations

Deviations to the minimum standards of this Article may be permitted for:

- 1. PBC parks, as specified in Art. 5.D.2.G., County Park Landscape Standards; and,
- 2. Development supporting government facilities within the PO Zoning District, subject to approval by the BCC. [Ord. 2006-004]

Notes:

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EXHIBIT M

FACILITIES, DEVELOPMENT & OPERATIONS SUMMARY OF AMENDMENTS

(Updated 07/27/07)

Part 10. ULDC, Art. 7.E.3.B.2, Other Developments [Related to Installation] (page 30 of 55), is hereby amended as follows:

CHAPTER E INSTALLATION, MAINTENANCE, PRUNING AND IRRIGATION

Section 3 Installation

B. Phasing

Required landscaping may be installed in phases, if designated on the approved site plan, as follows:

....

2. Other Developments

The entire perimeter landscaping shall be installed prior to the issuance of the first Certificate of Occupancy (CO) or in accordance with a phasing plan approved by the DRO.

a. PO Zoning District and Public Civic Pods of a PUD

Installation of a proportionate share of required materials shall be permitted subject to Signature Only approval of a phasing plan. The phasing plan shall indicate the affected area of each building permit application and general location of plant material that will be installed.

Part 11. ULDC, Art. 11.A.1.A, Applicability (page 7 of 46), is hereby amended as follows:

CHAPTER A GENERAL REQUIREMENTS

Section 1 General Provisions

A. Applicability

The regulations set forth in this Article shall be applicable to all subdivision of land in unincorporated PBC, Florida, or as hereafter established. Deviations from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to approval by the County Engineer utilizing the following standards:

1. the proposed deviation(s) creates no hindrances, restraints, or incompatibilities for the uses, structures, and lands surrounding and in the vicinity of the land proposed for development;
2. the proposed deviation(s) maintains proper and adequate access to the land proposed for development;
3. the proposed deviation(s) allows for development in a logical, timely, and functionally adequate manner;
4. special or unique circumstances or factors exist that are applicable to the land proposed for development;
5. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development;
6. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and,
7. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare.

Part 12. ULDC, Art. 11.B.7.B, Time of Completion of Required Improvements (page 21 of 46), is hereby amended as follows:

CHAPTER B SUBDIVISION REQUIREMENTS

Section 7 Construction of Required Improvements

B. Time of Completion of Required Improvements

1. The time of completion of all required improvements shall not exceed 21 months from the date of issuance of the Land Development Permit unless an extension is granted pursuant to this Section. For government facilities within the Public Ownership (PO) Zoning District, the completion of required improvements shall be permitted to:
 - a. coincide with a Certification of Occupancy (CO) for the first building on a parcel of land that adjoins a required street improvement; or,
 - b. be phased to coincide with a Certification of Occupancy (CO) for the first building within each phase of development that is accessed by a required street improvement.

Notes:

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FACILITIES, DEVELOPMENT & OPERATIONS SUMMARY OF AMENDMENTS

(Updated 07/27/07)

Part 13. ULDC, Art. 17.A.1, Powers and Duties [Related to Deviations for PO Zoning Districts] (page 6 of 25), is hereby amended as follows:

CHAPTER A BOARD OF COUNTY COMMISSIONERS

Section 1 Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

....

N. to appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Plan;

O. to review, hear, consider, and approve, approve with conditions, or deny requests for deviations from Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District.

Part 14. ULDC, Art. 17.D.5.B, Jurisdiction, Authority and Duties [Related to County Engineer] (page 21 of 25), is hereby amended as follows:

CHAPTER D STAFF OFFICIALS

Section 5 County Engineer

B. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon County Engineer by other provisions of PBC Code and PBC Charter, County Engineer shall have the following jurisdictions, authority and duties under this Code:

....

5. to review and approve or deny applications for development permits for Final Plats of subdivisions, including replats of lands within record plats previously approved for recording by Resolution of the BCC, and approve such plats on behalf of PBC for recordation in the public records. Said approval authority may be delegated only as follows:

a. to either the Deputy County Engineer or the Assistant County Engineer during a prearranged absence of County Engineer, such as for vacation or seminar attendance, for a period of five or more consecutive days, provided that said delegation shall be in writing and signed by County Engineer; or

b. to the Deputy County Engineer in the event that County Engineer is absent or otherwise incapacitated for a period of five or more days due to an emergency or other unforeseen circumstances, provided that said delegation shall be in writing and signed by County Administrator.

The Clerk of the Circuit Court shall be notified of each incident of delegation made pursuant to the above, and said delegation shall terminate upon County Engineer's return to normal duty; and

6. to review, consider, and approve, approve with conditions, or deny requests for deviations from Article 11 within the PO Zoning District; and

67. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC on a duly approved plat of record and constructed pursuant to a Land Development Permit for subdivision required improvements.

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Notes:

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EXHIBIT N

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY SUMMARY OF AMENDMENTS

(Updated 07/27/07)

Part 1. ULDC, Art 3.B.15.D.1, WCRA Recommendation [Related] (page 36 of 146), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

D. Development Review Procedures

1. WCRA Recommendation

Applicants must obtain a recommendation from the WCRA, prior to submittal of any application for the development of single-family or duplex residential structures on a non-conforming lot, or application outlined under Art. 2, Development Review Procedures, for the following: Official Zoning Map Amendments, Conditional Uses, Requested Uses, Development Order Amendments, Plan Amendments, Density Bonuses, Variances and projects requiring DRO approval. An application for a WCRA recommendation must be made in accordance with the following: [Ord. 2006-004]

a. Application Requirements

The form and application requirements for a WCRA recommendation shall be submitted as specified by the WCRA; however, in no case shall supporting documents required by the WCRA exceed the requirements of the Development Review Procedures listed above. [Ord. 2006-004]

b. Timeframe for Response

WCRA staff shall determine whether or not the application is sufficient or insufficient within ten working days. Any amendment to an application shall require the timeframe for response to restart. [Ord. 2006-004]

1) Sufficiency and Recommendation

If the application is determined to be sufficient, a recommendation shall be mailed to the applicant within 30 days of application submittal. If a recommendation is not made within this timeframe, the application shall be considered to have received a recommendation for approval, and the WCRA shall provide a letter indicating such. [Ord. 2006-004]

2) Insufficiency

If an application is determined to be insufficient, WCRA staff shall provide a written notice specifying the deficiencies to the applicant, to be mailed within ten days of receipt of the application. No further action shall be taken until the applicant remedies the deficiencies. If the deficiencies are not remedied within 20 days of the date of the written notice, the application shall be considered to have a recommendation for denial. If amended and determined to be sufficient, the application shall be processed in accordance with Art. 3.B.15.D.b.1, Sufficiency and Recommendation. [Ord. 2006-004]

Part 2 ULDC Table 3.B.15.E-7, WCRAO Sub-area Use Regulations (page 38 of 146), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

E. Use Regulations

2. Sub-area Use Regulations

a. Use Regulations

In addition to the requirements of Table 3.E.1.B-21, Table 3.F.I-44, and Table 4.A.3.A-1 the following uses shall be prohibited or permitted in the WCRAO Sub-areas: [Ord. 2006-004]

Notes:

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Language ~~crossed-out~~ indicates language proposed to be deleted.

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WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE ²
Residential Uses								
Multi-family	X	-	-	-	-	-	-	87
Commercial Uses								
Adult entertainment ³	X	X	X	X	X	X	X	2
Auto Service Station	X	X	X	-	-	-	-	18
Convenience Store with Gas Sales	X	X	X	-	-	-	-	37
Day Labor Employment Serv.	X	X	X	X	X	X	X	41
Repair and Maintenance, General	X	X	X	-	-	-	-	107
Self-service Storage	X	X	X	X	-	-	-	120
Vehicle Sales and Rental	X	X	X	-	-	-	-	135
Office Warehouse	X	X	X	X	A ¹	A ¹	A ¹	138
Work/Live Space	<u>X</u>	<u>P</u> ⁴	<u>P</u> ⁴	<u>P</u> ⁴	<u>P</u> ⁴	<u>P</u> ⁴	<u>P</u> ⁴	<u>141</u>
Industrial Uses								
Warehouse	X	X	X	X				138
Key								
X	Prohibited in Sub-area.							
-	Subject to Use Regulations of zoning district.							
A	Class A Conditional or Requested Use.							
P	Permitted by Right.							
Notes:								
1. Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004]								
2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004]								
3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas.								
4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district.								

Part 3. ULDC, Art.3.B.15.H.1.a, WCRA Recommendation [Related to Density Bonus Pool] (page 45 of 146), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

H. Density Bonus Programs

1. Density Bonus Pool

Notwithstanding the provisions of Art. 5.G, Density Bonus Programs, an additional 1,300 residential units are available in the WCRAO in accordance with Plan Policy 1.2.4-b, and the following: [Ord. 2006-004]

Table 3.B.15.H-12 – WCRAO Density Bonus Pool Limits

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Max WCRAO Density Bonus Per Acre	n/a	20	30	50	150	150	n/a
Ord. 2006-004							
Notes:							
1) Additional Density Bonus Pool Units are only permitted where a project utilizes all allowed density as indicated by FLU designation and the Plan. [Ord. 2006-004]							

a. WCRA Recommendation

Any proposed project that includes a request from the Density Bonus Pool shall obtain a recommendation from the WCRA in accordance with the standards of 3.B.15.D.1.b, Timeframe for Response. A project that meets three, for the UH and UG Sub-areas, and four for the NRM, NG, and NC Sub-areas, of the following six factors shall receive a recommendation for approval from the WCRA: [Ord. 2006-004]

- 1) The proposed project meets the minimum building frontage requirements of Table 3.B.15.F-9, WCRAO Sub-area PDRs. [Ord. 2006-004]
- 2) The proposed project includes sufficient land area to and a rear lot line abutting a R-O-W to ensure that vehicular access is limited to a rear, in accordance with Art. 3.B.15.I.1.a.1). [Ord. 2006-004]

Notes:

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EXHIBIT N

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY SUMMARY OF AMENDMENTS (Updated 07/27/07)

- 3) Where permitted, the proposed project includes mixed use with a minimum of ten percent and a maximum of 50 percent of the GFA dedicated to non-residential uses. **[Ord. 2006-004]**
- 4) A minimum of five percent of the gross lot area is set aside for open space with a public amenity or a public plaza, with a minimum size of 800 square feet and 25 feet in width, including but not limited to public art (not depicting any advertising); fountains of at least eight feet in height and 16 feet in diameter; pergolas; bell or clock tower; and public seating areas (not in conjunction with any restaurant seating). **[Ord. 2006-004]**
- 5) A minimum of 40 percent of the projects allowed density is reserved for affordable housing meeting the requirements of Art. 3.B.15.H.1.c, Affordability Standards. **[Ord. 2006-004]**
- 6) Preferred uses: **[Ord. 2006-004]**
 - a) NRM Sub-area: business or professional office, medical or dental office, personal services, and townhouses. **[Ord. 2006-004]**
 - b) NG Sub-area: business or professional office, medical or dental office, personal services, printing and copying services, Type I restaurants that meet the requirements of Art. 4.B.1.A.109.c.2), Permitted By Right, and Type II restaurants. **[Ord. 2006-004]**
 - c) NC, UG and UH Sub-areas: business or professional office, personal services, printing and copying services, Type I restaurants that meet the requirements of Art. 4.B.1.A.109.c.2), Permitted By Right, and Type II restaurants. **[Ord. 2006-004]**

b. Approval Process

The review process for a WCRAO Density Bonus Pool approval is based on the density bonus requested in accordance with Table 3.B.15.H-13, WCRA Density Bonus Pool Approval. Notice of all proposed projects shall be forwarded to the BCC by the Division responsible for reviewing the application. **[Ord. 2006-004]**

Table 3.B.15.H-13 – WCRAO Density Bonus Pool Approval

Approval Process Required ¹	Range of Bonus Units per Acre	Min. % of Density Bonus Units Required to be Affordable ³
Permitted by Right	0.1 – 4.99 ⁴	40%
DRO Approval	≥ 4.01 – 3.99 ²²	
BCC Approval	4- 22.01 or more	
[Ord. 2006-004]		
Notes:		
1. The transfer of density to a PDD or TDD requires approval as a requested use. [Ord. 2006-004]		
2. Up to one unit may be permitted by right for projects less than one acre in size. [Ord. 2006-004]		
3. Affordable units shall include very low and low-income households as required by the Plan. [Ord. 2006-004]		

c. Affordability Standards

~~Units required to be affordable shall comply with the standards for WHP units, as follows: Art. 5.G.1.G.2.b, Design Standards; Art. 5.G.1.G.2, Management Plan, Art. 5.G.1.G.4, Mix of Units, Art. 5.G.1.G.5, Assurance of Affordability; and, Art. 5.G.1.G.6, Limitation on Restrictions.~~ **[Ord. 2006-004]**

Where required by Table 3.B.15. H-13, Density Bonus Pool Approval, units required to be affordable shall comply with the following:

1) Design Requirements

All density bonus units required to be affordable shall be designed to a compatible exterior standard as other units within the development or pod. These units may be clustered or dispersed throughout the project.

2) Sales and Rental Prices

Affordable units shall be offered for sale or rent to very-low and low income households. For the purposes of this section and in accordance with Plan TE Policy 1.2-r, very-low and low income shall be defined as less than or equal to 50 percent, and more than 50 percent but less than or equal to 80 percent County's Area Medium Income (AMI), respectively. The sale and rent prices may be updated annually by the County Administrator, or designee, based on the AMI, and household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) as published annually by HUD.

3) Master Covenant

Prior to final DRO approval, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided by the County, which identifies each required affordable unit. In the event the project is not subject to final DRO approval, the applicant must submit a recorded copy of the

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Covenant to the Building Division prior to issuance of the first building permit. The Covenant shall include but not be limited to restrictions requiring: that all identified affordable units shall be sold, resold, or rented only to very-low and low income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a minimum of ten years for units sold to eligible households, and a minimum of 20 years for rental units, from the date of each unit is first purchased or designated as a rental unit; and that in the event a unit is resold before the ten or 20 year periods conclude, a new 10 or 20 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with Plan TE Policy 1.2-r. Every deed for sale of an affordable housing unit shall incorporate by reference the controlling Covenant.

4) Monitoring and Compliance

Shall be in accordance with the monitoring and compliance requirements of Art. 5.G.1, Workforce Housing Program.

5) Enforcement

Shall be in accordance with the enforcement requirements of Art. 5.G.1, Workforce Housing Program.

6) Limitations on Restrictions

Shall be in accordance with the limitations and restriction requirements of Art. 5.G.1, Workforce Housing Program.

Part 4. ULDC, Art. 3.B.15.I, Parking and Streets, (pages 46 and 47 of 146), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

I. Parking and Streets

1. Parking

a. General

- 1) Parking in the NRM, NG, NC and UG Sub-areas shall be accessed from the rear from a street or alleyway, when available. [Ord. 2006-004]
- 2) Reserved parking, including spaces reserved for valet parking, shall be prohibited except for parking provided above the minimum required, or for individual garages for residential units. [Ord. 2006-004]

b. Parking Exemption in the NC Sub area

Projects on lots less than 10,000 square feet in size shall be exempt from on site parking requirements if fronting on a street with on-street parking. [Ord. 2006-004]

c. Allowable Reductions in Required On-site Parking

The required amount of on-site parking may be reduced in accordance with any of the following provisions. These provisions may be applied cumulatively. [Ord. 2006-004]

1) UG, UH, NRM, NG and NC Deviations

Deviations in the required parking may be reduced in Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements shall be permitted for mixed-use or residential projects in the UG, UH, NRM, NG, or NC Sub-areas as specified in Table 3.B.15.I-14, WCRAO Mixed-use Parking Deviations. [Ord. 2006-004]

2) Curbside Parking

On street parking available along the frontage, side or rear lot lines that directly abuts the subject lot may be applied toward the parking requirements of the uses on the lot. Applicable spaces shall be calculated by taking the total linear distance of parking spaces and abutting the site's lot lines and dividing ~~but~~ by the average length of spaces. [Ord. 2006-004]

3) Connections to Adjacent Parking

Parking areas connecting to adjoining or future adjoining lots shall be granted a five percent reduction in the amount of required parking. This five percent reduction shall be deducted from the final calculated parking requirement, after all other eligible reductions are taken into consideration. [Ord. 2006-004]

2. Redevelopment Loading Option

To further development of WCRAO smaller parcels in the NRM, NG, NC, UG or UI sub-areas that promote the form based code principles of the WCRA Plan, the WCRA Executive Director may authorize the use of access aisles or other similar location on a site with structures less than 25,000 square feet in size, to also be used as loading areas, subject to the following:

a) Application

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An application shall be submitted to the WCRA in a form established by the Executive Director of the WCRA. The application shall include a loading demand study that addresses the minimum standards of this section.

b) **Standards**

The following standards shall apply to any shared location for a required loading zone:

- 1) Demonstrate that site constraints or the benefits of an alternate loading zone is needed to allow for the development, including efforts to maximize potential FAR or density;
- 2) Identify the size and types of uses that will be using the alternate loading zone, to include turnover rates and peak loading hours;
- 3) Demonstrate that the proposed alternate loading zone will not adversely impact required vehicle stacking at entrances, block building entrances, emergency vehicle access, or parked vehicles;
- 4) Identify the dimensions and types of vehicles that will use the alternate loading zone;
- 5) Incorporate other available data, including but not limited to: traffic engineering or other Planning studies demonstrating the feasibility of the request;
- 6) The use of the site may be limited to the size and types of uses indicated in the approved loading zone study;
- 7) The site design shall provide sufficient maneuvering area and turning radii for proposed delivery vehicles; and,
- 8) If located in an access aisle, a minimum ten-foot wide by-pass shall be maintained along the entire length of the designed alternative loading area.

d) **Approval Letter and Documentation**

The WCRA Executive Director shall recommend approval or denial of the application within the timeframes established under Art. 3.B.15.D.1.d, Timeframe for Response. The WCRA Executive Director shall issue a letter to the applicant indicating their recommendation.

[Renumber accordingly]

....

32. **Access and Circulation System**

a. **Construction In Existing R-O-W**

The County Engineer may approve alternatives to PBC standard design sections for local street construction, where streets are maintained by PBC, in order to accommodate construction or reconstruction of paving and drainage improvements to an existing public local street, or segment thereof. The eligible R-O-Ws shall have a width of less than 50 feet. The alternative design(s) shall provide for paved travel-way widths, structural sections, drainage, pedestrian access, dead-end turnarounds, and safe sight corners as prescribed by PBC standards for local streets, or as deemed equivalent by the County Engineer. All required treatment and discharge control of storm-water runoff to the street drainage system shall be provided by secondary storm-water management facilities located outside the street R-O-W, permitted and constructed in accordance with applicable regulations of all agencies having jurisdiction over the receiving waters at the point of legal positive outfall. [Ord. 2006-004]

Part 5. **ULDC, Table 3.B.15.I-14, WCRAO Mixed Use Parking Deviations (page 46 of 146), is hereby amended as follows:**

Table 3.B.15.I-14 – WCRAO Mixed Use Parking Deviations

Use		Parking
Multi-family Residential	1 Bedroom	1 per unit plus required guest parking
	2 Bedroom	1.5 per unit plus required guest parking
	3 or more bedrooms	2 spaces per unit plus required guest parking ²
Hotel or Motel (other areas calculated separately)		1.25 per room
Office, Business or Professional and Medical or Dental		2.5 per 1,000 sq. ft.
Commercial Uses		2.5 per 1,000 sq. ft.
Commercial, General Retail Sales		3 per 1,000 sq. ft.
Restaurant, Bar Cocktail Lounge		1 per 4 seats
Notes:		
1. <u>Unless stated otherwise in this section, parking and loading shall be in accordance with Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements Requirements. [Ord. 2006-004]</u>		
2. <u>A parking ration of 1.5 spaces per unit plus required guest parking shall also be permitted for any unit required to be deed restricted for very-low and low income households.</u>		

Part 6. **ULDC Art 4.B.1.A.141, Work/Live Space (page 95 of 149), is hereby amended as follows:**

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EXHIBIT N

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

141. Work/Live Space

A space within a building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. Work/Live Space shall be counted as non-residential square footage.

a. Floor Area

Shall not exceed 1,000 square feet of living area.

ab. Office Space

A minimum of ten percent of the living area shall be designated as office space.

b. ~~TDDs/PDDs~~

~~Shall be counted as non-residential square footage.~~

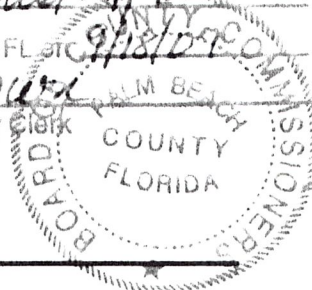
c. WCRAO

Shall be permitted in accordance with Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on August 27, 2007

dated at West Palm Beach, FL on 9/18/07

By: Diana Brown
Deputy Clerk



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